

Memorial of the Legislature of the State of California, memorializing Congress to pass Senate bill No. 1197, known as the farmers' farm relief act; to the Committee on Banking and Currency.

Memorial of the Legislature of the State of Montana, memorializing Congress to enact legislation which will reimburse the Blackfeet Indians for the loss of lands known as the ceded strip in northwestern Montana; to the Committee on Indian Affairs.

Memorial of the Legislature of the State of Idaho, memorializing Congress to immediately pass Senate bill No. 3606; to the Committee on Coinage, Weights, and Measures.

Memorial of the Legislature of the State of Wisconsin, memorializing Congress relative to agricultural relief; to the Committee on Agriculture.

Memorial of the Legislature of the State of Wisconsin, memorializing Congress to propose an amendment to the Constitution repealing the eighteenth amendment and to promptly legalize the sale and manufacture of beer; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

10206. By Mr. AYRES: Petition of 104 residents of Wellington, Kans., relative to the continuation and enforcement of the eighteenth amendment; to the Committee on the Judiciary.

10207. By Mr. CAMPBELL of Iowa: Petition of the Woman's Christian Temperance Union of Early, Iowa, urging that the eighteenth amendment be not repealed or modified, and that adequate appropriations be made for law enforcement and a campaign of education in law observance; to the Committee on the Judiciary.

10208. Also, petition of the Woman's Christian Temperance Union of Superior, Iowa, urging that the eighteenth amendment be not modified or repealed; to the Committee on the Judiciary.

10209. Also, petition of the Woman's Christian Temperance Union of Orange City, Iowa, urging that the eighteenth amendment be not modified or repealed; to the Committee on the Judiciary.

10210. Also, petition of John C. Ball and 197 other residents of the District of Columbia, opposing the return of beer, the repeal of the eighteenth amendment, and the return of the liquor traffic in the District of Columbia in any form whatever; to the Committee on the District of Columbia.

10211. By Mr. COLTON: Memorial of the State Legislature of the State of Utah, memorializing the President and Congress of the United States to support or initiate a movement to stabilize the monetary and credit bases, so as to improve world commodity prices; to the Committee on Ways and Means.

10212. By Mr. HOWARD: Memorial in the nature of a resolution, memorializing the Congress of the United States to act favorably upon all legislation which may restrict and limit the perennial influx of cheap Mexican labor which seeks admission to the United States as proposed by the Senate of the State of Nebraska in the forty-ninth regular session; to the Committee on Labor.

10213. By Mr. LEWIS: Petition of Janet Montgomery Chapter, Daughters of the American Revolution, opposing any reductions in present appropriations for military purposes; to the Committee on Appropriations.

10214. By Mr. MURPHY: Petition of 13 citizens of Lisbon, Ohio, and vicinity, urging the adoption of the Sparks-Capper resolution concerning stop-alien representation; to the Committee on the Judiciary.

10215. By the SPEAKER: Petition of citizens of the District of Columbia, opposing enactment of Sunday closing law for the District of Columbia; to the Committee on the District of Columbia.

SENATE

TUESDAY, FEBRUARY 7, 1933

(Legislative day of Tuesday, January 10, 1933)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 487. An act for the relief of Herbert G. Black, owner of the schooner *Oakwoods*, and Clark Coal Co., owner of the cargo of coal on board said schooner;

S. 2200. An act to authorize presentation of a medal of honor, posthumously, to the late Henry Clay Drexler and the late George Robert Cholister;

S. 4509. An act to further amend the act approved February 25, 1920, entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain; and

H. R. 13607. An act to authorize the distribution of Government-owned cotton to the American National Red Cross and other organizations for relief of distress.

CALL OF THE ROLL

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Cutting	Kendrick	Schall
Austin	Dale	Keyes	Schuyler
Bailey	Davis	King	Sheppard
Bankhead	Dickinson	La Follette	Shipstead
Barbour	Dill	Lewis	Shortridge
Barkley	Fess	Logan	Smith
Bingham	Fletcher	McGill	Smoot
Black	Frazier	McKellar	Steiwer
Blaine	George	McNary	Swanson
Borah	Glass	Metcalf	Thomas, Idaho
Bratton	Glenn	Moses	Townsend
Brookhart	Goldsborough	Neely	Trammell
Bulky	Gore	Norbeck	Tydings
Bulow	Grammer	Norris	Vandenberg
Byrnes	Hale	Nye	Wagner
Capper	Harrison	Oddie	Walcott
Caraway	Hastings	Patterson	Walsh, Mass.
Clark	Hatfield	Pittman	Walsh, Mont.
Connally	Hayden	Reed	Watson
Coolidge	Hebert	Reynolds	Wheeler
Copeland	Hull	Robinson, Ark.	White
Costigan	Johnson	Robinson, Ind.	
Couzens	Kean	Russell	

The VICE PRESIDENT. Ninety-one Senators have answered to their names. A quorum is present. The Senate will receive a message from the President of the United States.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who announced that the President had approved and signed the following acts:

On February 3, 1933:

S. 5484. An act to extend the time during which certain provisions of the act of February 27, 1932, relating to improving the facilities of the Federal reserve system to meet the needs of member banks in exceptional circumstances, shall be effective.

On February 4, 1933:

S. 5160. An act to provide for loans to farmers for crop production and harvesting during the year 1933, and for other purposes.

On February 6, 1933:

S. 433. An act to authorize the posthumous award of a distinguished-flying cross to Eugene B. Ely;

S. 2058. An act for the relief of William C. Rives; and

S. 4381. An act authorizing the President to transfer and appoint Lieut. Morris Smellow, United States Navy, to the grade of passed assistant paymaster, with the rank of lieutenant, in the Supply Corps of the United States Navy.

PETITIONS AND MEMORIALS

Mr. ROBINSON of Arkansas presented the following joint resolution of the Legislature of the State of Arkansas, which was referred to the Committee on Agriculture and Forestry:

House Joint Resolution No. 10

Whereas there is now pending in the Congress of the United States a bill known as the Glenn-Smith bill, providing for the refunding by the National Treasury of all levee and drainage district bonds, said disbursement of the Treasury to be repaid over a period of 30 or 40 years at a small rate of interest; and

Whereas this great burden on the farmers of large areas of our State is causing an abandonment of thousands of acres of the most fertile and productive lands within our State; and

Whereas said Glenn-Smith bill provides for the purchase by the Government of the bonds of the various levee and drainage canal districts at a rate no higher than said bonds are selling on the open market; and

Whereas great and lasting benefits would accrue to many thousands of farmers of our State at no cost ultimately to the National Government by the enactment of said Glenn-Smith bill: Therefore be it

Resolved by the house of representatives of the forty-ninth general assembly (the senate concurring therein), That the National Congress be, and it is hereby, memorialized to give precedence to a consideration of said Glenn-Smith bill, to the end that relief from a great portion of their burdens may be speedily extended to a suffering and worthy portion of our population.

LITTLE, of Mississippi County.

HARRIS, of Crittenden County.

Official copy.

JAMES R. CAMPBELL, Chief Clerk.

Mr. BLAINE presented a joint resolution of the Legislature of the State of Wisconsin, favoring the adoption by Congress of a resolution proposing an amendment to the Constitution repealing the eighteenth amendment thereto, and also to legalize the manufacture and sale of beer, which was ordered to lie on the table.

(See joint resolution printed in full when laid before the Senate on yesterday by the Vice President, p. 3422, CONGRESSIONAL RECORD.)

Mr. BLAINE also presented a joint resolution of the Legislature of the State of Wisconsin, favoring the passage of the so-called farm allotment bill, the Frazier farm relief bill, and also "to moderately increase the currency with the end in view of relieving mortgagors and other debtors from having to repay, in terms of purchasing power, a great deal more than they borrowed," which was referred to the Committee on Agriculture and Forestry.

(See joint resolution printed in full when laid before the Senate on yesterday by the Vice President, p. 3421, CONGRESSIONAL RECORD.)

Mr. CAPPER presented resolutions adopted by the congregation of the Methodist Church of Burdett and the Woman's Christian Temperance Union of Bloomington, in the State of Kansas, protesting against the repeal of the eighteenth amendment of the Constitution or the repeal or modification of the national prohibition law, which were ordered to lie on the table.

He also presented resolutions adopted by local chapters of the Woman's Christian Temperance Union of Burdett, Kiowa, and Cedar Vale; and the Wesleyan Methodist Sunday school, the congregation and Sunday school of the Christian Church, the Young Women's Christian Association, the Sunday school of the Methodist Episcopal Church, the congregation and Sunday school of the Presbyterian Church, and the Presbyterian Missionary Society, of Miltonvale, all in the State of Kansas, favoring the passage of legislation to regulate and supervise the motion-picture industry, which were ordered to lie on the table.

Mr. BROOKHART presented petitions numerous signed of sundry citizens of the State of Iowa, praying for the passage of legislation to regulate and supervise the motion-picture industry, which were ordered to lie on the table.

REPORTS OF COMMITTEES

Mr. KEYES, from the Committee on Public Buildings and Grounds, to which were referred the following bills, reported

them each without amendment and submitted reports thereon:

S. 5530. An act to provide for placing the jurisdiction, custody, and control of the Washington City post office in the Secretary of the Treasury (Rept. No. 1157); and

S. 5588. An act authorizing the acceptance of title to sites for public-building projects subject to the reservation of ore and mineral rights (Rept. No. 1158).

Mr. THOMAS of Idaho, from the Committee on Irrigation and Reclamation, to which was referred the bill (S. 5382) providing for an exchange of lands between the Colonial Realty Co. and the United States, and for other purposes, reported it without amendment and submitted a report (No. 1159) thereon.

Mr. COPELAND, from the Committee on the District of Columbia, to which was referred the joint resolution (S. J. Res. 236) to provide for the maintenance of public order and the protection of life and property in connection with the presidential inaugural ceremonies in 1933, reported it with an amendment and submitted a report (No. 1160) thereon.

PRINTING OF PROCEEDINGS OF THE MEMORIAL SERVICES IN HONOR OF CALVIN COOLIDGE

Mr. WALSH of Massachusetts. Mr. President, from the Committee on Printing, I report back favorably, without amendment, Senate Concurrent Resolution 42. It is merely a formal matter relating to the printing of bound volumes of the address of Hon. Arthur Prentice Rugg on the occasion of the Calvin Coolidge joint congressional memorial exercises yesterday in the House. The number of copies is the same as has been designated in previous resolutions relating to the printing of the proceedings in memory of deceased Presidents. I ask unanimous consent for its immediate consideration.

Mr. BINGHAM. Mr. President, I trust there will be no objection.

The concurrent resolution (S. Con. Res. 42) was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there shall be compiled, printed with illustrations, and bound, as may be directed by the Joint Committee on Printing, 25,000 copies of the oration delivered by Hon. Arthur P. Rugg in the House of Representatives during the exercises held in memory of the late President Calvin Coolidge on February 6, 1933, including all the proceedings and the program of exercises, of which 8,000 copies shall be for the use of the Senate and 17,000 copies for the use of the House of Representatives.

ENROLLED BILLS PRESENTED

Mr. VANDENBERG, from the Committee on Enrolled Bills, reported that on to-day, February 7, 1933, that committee presented to the President of the United States the following enrolled bills:

S. 487. An act for the relief of Herbert G. Black, owner of the schooner *Oakwoods*, and Clark Coal Co., owner of the cargo of coal on board said schooner;

S. 2200. An act to authorize the presentation of a medal of honor, posthumously, to the late Henry Clay Drexler and the late George Robert Cholister; and

S. 4509. An act to further amend the act approved February 25, 1920, entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain."

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CAPPER:

A bill (S. 5593) granting a pension to Nancy Jane Ruffin (with accompanying papers); to the Committee on Pensions.

By Mr. FRAZIER (by request):

A bill (S. 5594) to provide for the exchange of Indian and privately owned lands, Fort Mojave Indian Reservation, Ariz.; to the Committee on Indian Affairs.

By Mr. JOHNSON:

A bill (S. 5595) authorizing the sale of portions of the Pueblo lands of San Diego to the city of San Diego, Calif.; to the Committee on Military Affairs.

A bill (S. 5596) for the relief of Lieut. Commander Arthur A. Lee, Supply Corps, United States Navy (with accompanying papers); to the Committee on Claims.

By Mr. BANKHEAD:

A bill (S. 5597) amending the emergency relief and construction act of 1932; to the Committee on Post Offices and Post Roads.

By Mr. WALSH of Massachusetts:

A bill (S. 5598) for the relief of Lieut. Thomas O'C. McCarthy, United States Navy (with accompanying papers); to the Committee on Claims.

By Mr. BROOKHART:

A bill (S. 5599) authorizing the appointment of John A. Crow as a warrant officer, United States Army; to the Committee on Military Affairs.

By Mr. HULL:

A joint resolution (S. J. Res. 249) proposing a reduction in interest rates on Government loans; to the Committee on Banking and Currency.

By Mr. TYDINGS:

A joint resolution (S. J. Res. 250) proposing an amendment to the Constitution of the United States, reducing the membership of the House of Representatives; to the Committee on the Judiciary.

PURCHASE AND SALE OF COTTON—AMENDMENT

Mr. SMITH submitted an amendment in the nature of a substitute intended to be proposed by him to the bill (S. 5122) to provide for the purchase and sale of cotton under the supervision of the Secretary of Agriculture, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

AMENDMENT TO LEGISLATIVE APPROPRIATION BILL

Mr. GEORGE submitted an amendment intended to be proposed by him to House bill 14562, the legislative appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 4, line 7 (in the item for clerks to the Senate Committee on Civil Service), to strike out "assistant clerk, \$2,220" and insert "two assistant clerks at \$2,220 each."

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that, pursuant to House Concurrent Resolution 44, the Speaker had appointed Mr. LAMAR JEFFERS a teller on the part of the House to count the electoral vote on February 8, 1933, vice Mr. PATRICK J. CARLEY, resigned.

GOVERNMENT ACCOUNTING AND AUDITING SYSTEMS

Mr. WHEELER subsequently said: Mr. President, I send to the desk a resolution and ask that it may be read. Then I am going to ask unanimous consent for its immediate consideration. I wish to say that I do not think it will require any discussion. The resolution merely calls upon the Comptroller General to point out before the 15th of April how certain economies may be effectuated in the accounting department.

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). The resolution will be reported for the information of the Senate.

The Chief Clerk read the resolution (S. Res. 350), as follows:

Resolved, That the Comptroller General of the United States be, and he is hereby, directed to submit, on or before April 15, 1933, to the Senate of the United States a detailed report of the savings that may be effected through the reorganization, centralization, consolidation and/or elimination of accounting records, accounting and audit procedures, disbursing and collecting officers, and purchasing and warehousing activities of the Governments of the United States and the District of Columbia.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. FESS. Mr. President, I think I am in favor of the resolution, but will the Senator from Montana let it go over until to-morrow?

Mr. WHEELER. Very well.

Mr. FESS. The only reason why I make the request is that I should like to make a little investigation as to what sort of an effort it would require and whether it is going to entail any considerable expenditure. I should like to have the Senator let it go over and I assure him that I will not attempt to delay its consideration. I merely wish to ascertain, by an examination of the resolution, exactly what he wishes to accomplish by it.

The PRESIDING OFFICER. The Chair understands the Senator from Ohio to object, and the resolution goes over under the rule.

REPORTS ON DEPARTMENTAL FUNCTIONS

Mr. WHEELER. Mr. President, I send to the desk another resolution of a similar nature calling upon the heads of the different departments for certain information along the same line. I ask to have it read and I presume it also will go over under the rule.

The PRESIDING OFFICER. Let the resolution be read for the information of the Senate.

The Chief Clerk read the resolution (S. Res. 351), as follows:

Resolved, That the heads of all departments, independent establishments, and Government owned and/or controlled corporations be, and are hereby, directed to submit on or before April 15, 1933, to the President of the United States and to the Senate of the United States, a detailed report of all functions, including accounting, disbursing, collecting, purchasing, and personnel, performed by said departments, establishments, and corporations, together with the authority for the performance of each function and the annual cost thereof.

The PRESIDING OFFICER. Without objection, the resolution will be received and lie over under the rule.

TREASURY AND POST OFFICE APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 13520) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes.

The VICE PRESIDENT. The question is on the amendment of the Senator from Colorado [Mr. COSTIGAN] to the amendment of the Senator from New Mexico [Mr. BRATTON], which will be reported for the information of the Senate.

The CHIEF CLERK. The Senator from Colorado proposes the following amendment to the amendment of the Senator from New Mexico, to add at the end thereof another sentence reading:

In making any reductions in expenditures provided for in this section no wage cuts, other reduced compensation, or furloughs shall be ordered.

Mr. BINGHAM. Mr. President, I should like to ask the Senator from Colorado whether it would be possible to interpret his amendment so as to prevent 100 per cent wage cuts?

Mr. COSTIGAN. Mr. President, as I understand the committee proposal—that is, the proposal of the Senator from New Mexico [Mr. BRATTON], supported by the Senator from Connecticut [Mr. BINGHAM]—complete authority is vested in the heads of departments to make dismissals, order furloughs, and deal otherwise with the personnel. The language of the amendment of the Senator from New Mexico authorizes the heads of departments to make reductions in expenditures which in the aggregate will equal at least 5 per cent of the total amount appropriated for such departments.

From the beginning of the discussion of this question I have pointed out that I fear that under the language used reductions even to the extent of 100 per cent—or equivalent to dismissals—are permissible. I am therefore hoping that during the course of our discussion the Senator from New Mexico will be willing to withdraw the words "at least."

Mr. BINGHAM. The Senator did not reply specifically to my question, although I imply from his answer that his amendment would mean that no one's salary should be reduced 100 per cent; in other words, that there could be no dismissals under his amendment.

Mr. COSTIGAN. That is not what I was endeavoring to say to the Senator from Connecticut.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Connecticut yield?

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Arkansas?

Mr. BINGHAM. Certainly.

Mr. ROBINSON of Arkansas. The language of the amendment has relation to reductions in expenditures. It does not relate to dismissals from the service, and I do not think there is anyone who would construe the amendment as affecting the right to remain in the service or the right of the head of a department to dismiss someone from the service.

Mr. COSTIGAN. Does the able Senator from Arkansas refer to the language of the Bratton amendment?

Mr. ROBINSON of Arkansas. I refer to the language of the Costigan amendment, which was the subject of inquiry by the Senator from Connecticut.

Mr. BINGHAM. Mr. President, the views expressed by the Senator from Arkansas and the Senator from Colorado are exactly in accordance with my own. I merely wanted to get it definitely of record that adoption of the amendment means the dismissal of hundreds, if not thousands, of Government employees.

I realize perfectly well that there are organizations in the country whose devotion to a certain standard of wage is such that they are perfectly willing to see the number of unemployed increased in order to maintain that standard of wage. The effect of the amendment, if adopted, will be to increase greatly the hardship and the unemployment among the people of the United States. Let there be no question about that whatsoever. In order to prevent any administrative furloughs, any further legislative furloughs, the Senator from Colorado prefers to see dismissals, because that is the only way in many departments in which a 5 per cent cut could possibly be accomplished.

Mr. ROBINSON of Arkansas. The Senator must have misunderstood me. I said that, in my judgment, the language of the amendment of the Senator from Colorado has no relationship to the subject of dismissals from the service. It does not affect dismissals.

Mr. BINGHAM. No; except that, in connection with the amendment offered by the Senator from Colorado, it encourages and forces dismissals. There are departments in which practically all the appropriation is used for personal services.

Mr. COUZENS and Mr. COSTIGAN addressed the Chair.

The VICE PRESIDENT. Does the Senator from Connecticut yield; and if so, to whom?

Mr. BINGHAM. I yield to the Senator from Michigan, who, I think, rose first.

Mr. COUZENS. Mr. President, let me ask the Senator from Connecticut if the real situation which he describes could not be avoided by rejecting both these amendments?

Mr. BINGHAM. Certainly, I think it could.

Mr. COUZENS. We ought to reject both the Bratton amendment and the Costigan amendment, and then there would be no situation arising either about dismissals or cutting wages.

Mr. BINGHAM. I intend to join with the Senator in voting against both amendments; but I want to point out to the Senator at this time, while we are considering the Costigan amendment, lest there be any misunderstanding about it, that, in my opinion, it is better for a family to get along with 5 per cent less in their income than with 100 per cent less. I believe that the amendment, if agreed to, will greatly increase the suffering. We were told this morning in the Appropriations Committee by the Assistant Secretary of State that the adoption of the pending amendment and the Bratton amendment would mean in regard to the Foreign Service officers of the United States a dismissal of 50 out of 750, which is a very large percentage, and those men with families, or without, as the case may be, will be simply out of employment. Here in Washington there are Government offices containing 200 clerks. Under the Bratton amendment, without the Costigan amendment, it will be possible to reduce the salary of each of those clerks 5 per cent to meet the demands of the Bratton amendment; but under the Costigan amendment it will be necessary to dis-

miss 5 per cent of the employees. That is the only way the saving could be effected.

Mr. COSTIGAN. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator yield to the Senator from Colorado?

Mr. BINGHAM. Yes; Mr. President.

Mr. COSTIGAN. I suggest to the Senator from Connecticut that if there are departments in which that would be the result, it would be undoubtedly easy for the Senator to provide for an exception with respect to those departments. May I further say that the Senator also apparently disagrees with the author of the original amendment, the Senator from New Mexico [Mr. BRATTON], who last night positively stated:

I said before, and I repeat now, that, in my opinion, a wise and a humanitarian administration of this proposal can save the 5 per cent without affecting personnel. I repeat that belief with confidence and with assurance.

Mr. BINGHAM. That is a very convenient belief to have. I have no doubt the Senator is entirely sincere in it. If I could believe that also I would not now be speaking, but, from my study of matters in the Appropriations Committee during the past five years, I do not agree with the Senator's belief. The Appropriations Committee is endeavoring from time to time to make reductions. Last year, under the orders of the Senate, we made reductions of 10 per cent in the appropriations for a number of the departments including the Departments of State, Justice, Commerce, Labor, and, I think, Interior; those departments were affected by that 10 per cent cut. In our efforts to meet that demand it was utterly impossible for us not to cut the appropriations for personal services. If the Senator from New Mexico should change his amendment so as to make it permissive and advisory and not directory, then I agree that it might be possible to get along without wholesale dismissals and without wholesale reductions in salaries; but I call the Senator's attention to the fact that the amendment now offered by the Senator from New Mexico is directive; a department has no choice but to make at least a 5 per cent reduction. That will cause in the State Department alone, from the little State Department, which is one of the smallest departments in Washington, the dismissal of 50 persons from the Foreign Service of the United States. Those are not large figures, but I give them because they were given to us fresh this morning. It is impossible in many of the departments to effect, without dismissals, the kind of cut that the Senator from New Mexico wants.

Yesterday the Senator from Arizona asking a question expressed his entire willingness to see unnecessary bureaus wiped out and supernumerary employees discharged. With the Senator's position in ordinary times I should have no dispute whatever, but these are not ordinary times, and I dislike to see at this time, in view of the necessity for economy, any additional Government employees thrown out on the streets with no jobs at all and no chance of getting any. I think that the average Government employee if he would think the matter over, and not be guided entirely by the opinion of his leaders and the union, would agree with me that it were better that they all should take a 5 per cent cut, if a cut be necessary, rather than 5 per cent of them should be thrown out on the streets.

The VICE PRESIDENT. The question is on the amendment of the Senator from Colorado to the amendment offered by the Senator from New Mexico.

Mr. COSTIGAN. Mr. President, all of us, I assume, are profoundly interested in the humanitarian aspects of the pending amendment. Unwisely, however, in my judgment, the Bratton proposal disregards those aspects, since it proceeds in a fashion which permits indiscriminate wage and salary cuts, furloughs, and dismissals. As I declared Saturday, when a similar amendment was proposed by me, prior to its decisive adoption by the Senate, it appears clear that the approval of the Senate can not be secured to eliminate, as I should be happy to do, the possibility under this 5 per cent clause of any further dismissals than those already authorized by law. The purpose of my amendment is to save

reasonable wage and decent living standards for Federal employees. As drafted, it is designed to prevent, under the so-called 5 per cent cut, wage or salary reductions or any further furloughs. If the Senate desires to include dismissals, no one in the body will be happier to welcome an amendment of that kind than myself.

Personally, I am opposed to the Bratton amendment in part, because it permits uncontrolled dismissals. I am opposed to it because it includes unlimited furloughs and wage cuts in an additional 5 per cent or greater reduction, when the commander of this ill-considered drive concedes that neither wage cuts nor furloughs nor dismissals will be necessary to effect a 5 per cent saving under humanitarian departmental heads. I wonder whether the Senate realizes that we already have in the law a furlough provision applicable to other economy features of the law? That provision is not affected by my amendment. It is section 216 of the original economy act, which is continued in the pending bill. Under that provision for administrative furloughs many employees have been given indeterminate furloughs, which are, in effect, dismissals, and we are to-day confronted with precisely the same kind of a situation against which the Senator from Connecticut at this moment appears to be protesting. Before the day has gone it surely is to be hoped that the Senator from Connecticut and other Senators who are protesting against dismissals may be given some opportunity to vote upon the question whether or not they favor banning dismissals at this time.

The amendment before us is confined to furloughs and wage cuts and other salary reductions in the 5 per cent bracket. It does not affect wage cuts and dismissals and furloughs which have already been put into effect by the Government.

The Senator from New Mexico, with his usual candor, last night advised the Senate that he believed it entirely possible to put into effect this additional 5 per cent cut without any reduction in personnel. I agree with him and have been hoping that he might this morning be willing to modify his amendment so that there will be no danger of further salary reductions or further furloughs under his proposal.

Mr. WALSH of Massachusetts. Mr. President—

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Massachusetts?

Mr. COSTIGAN. I yield.

Mr. WALSH of Massachusetts. I did not understand the Senator from New Mexico, in reply to my question, to say that his amendment would prevent reductions in personnel. He did say it would, in his opinion, prevent reductions in wages; but I understood him, in fact, to say that it would probably bring about reductions in personnel.

Mr. COSTIGAN. May I say to the Senator from Massachusetts that he doubtless failed to hear that portion of the address made last evening by the Senator from New Mexico which I read a few moments ago, as follows:

I said before, and I repeat now, that, in my opinion, a wise and a humanitarian administration of this proposal can save the 5 per cent without affecting personnel.

Mr. WALSH of Massachusetts. May I read from the RECORD along this line a question and the response to the question?

Mr. COSTIGAN. May I finish the quotation?

Mr. WALSH of Massachusetts. Certainly.

Mr. COSTIGAN. The Senator from New Mexico continued:

I repeat that belief with confidence and assurance.

Mr. WALSH of Massachusetts. On page 3478 I inquired of the Senator from New Mexico, as follows:

It is possible for this sum of money to be saved to the Public Treasury without any reduction of wages?

Mr. BRATTON. I think so. I have not the slightest doubt about it.

Mr. COSTIGAN. May I say to the Senator from Massachusetts that the quoted statement of the Senator from New

Mexico is merely confirmatory of the one just read, confined in this instance to the subject of wages? The Senator from New Mexico is present and may correct me if I am in error.

Mr. BRATTON. Mr. President—

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from New Mexico?

Mr. COSTIGAN. I yield.

Mr. BRATTON. I intended to say definitely last night that, in my opinion, the 5 per cent may be saved without going into personnel, but if I should be in error in that, and it should be necessary to go into personnel, then that could be done by dismissals. Under the amendment of the Senator from Colorado it would be done by dismissals rather than by additional furloughs or cuts.

Mr. COSTIGAN. My argument the other day was, in part, inspired by the statement of the Senator from Michigan [Mr. COUZENS], who urged, if there are to be further wage cuts, that they be authorized by Congress and not left to the administrative discretion of the heads of departments. Under the amendment of the able Senator from New Mexico the head of a department is given unlimited discretion in making at least a 5 per cent cut, and no one knows how much farther the head of the administrative department may desire to go through reductions in wages, dismissals, and additional furloughs. The unwisdom of that course ought to be manifest to everyone in this Chamber.

Mr. WHEELER. Mr. President—

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Montana?

Mr. COSTIGAN. I yield to the Senator from Montana.

Mr. WHEELER. If the Senator from New Mexico is correct—and I believe he is—in the view he takes that department heads can cut wages if his amendment is adopted without the Costigan amendment being attached thereto, then it would place in the hands of the heads of the different departments the right to cut the wages of one group of employees 10 per cent, another group 15 per cent, and another group 20 per cent, in order to reach the maximum of 5 per cent. Likewise it would mean that, for instance, the Agricultural Department might cut their employees 7½ per cent, the Treasury Department might cut some of their employees 20 per cent, and some other department might cut their employees 15 per cent. The result of it would be that we would have chaos, it seems to me, with reference to the wage situation throughout the Government bureaus.

Mr. COSTIGAN. Mr. President, the able Senator from Montana is entirely right. Last Saturday I pointed out to the Senate that in the case of postal employees, because of certain fixed expenses in the department, the 5 per cent provision for reduction would amount to a reduction in employees' salaries of approximately 7¼ per cent.

I have before me a statement with reference to the Office of Education in the Interior Department which further illustrates some curious inconsistencies which will result from the course the Senate is now taking.

A memorandum in my hands indicates that under the three different proposals now under consideration by the Congress—the Department of the Interior bill, the Bratton amendment, and the economy bill—total salary cuts in the Office of Education which employees will bear, if the pending legislation passes, will aggregate 23.3 per cent.

I ask to have this memorandum incorporated in my remarks.

The VICE PRESIDENT. Without objection, that order will be made.

The matter referred to is as follows:

SUMMARY

Salary cuts for 1933-34 provided for in bills now pending before the Senate

The following data show how the salary cuts provided for in bills pending before the Senate (February, 1933) would affect the bureau.

Salary cuts for every employee in the Office of Education are provided for in three bills now before the Senate, as follows:

	Percent
1. In the Department of the Interior bill now in the Appropriations Committee:	
(a) Legislative furlough (4 weeks)-----	8.3
(b) Cut in salary budget which will result either in dismissals or necessitate 4 weeks' administrative furlough (this cut was made in the House)-----	8.3
2. In the Bratton bill (at least)-----	5.0
3. In the economy bill-----	1.7
Total salary cuts which every employee will receive if pending legislation passes-----	23.3

Mr. COSTIGAN. Mr. President, it is not my intention to pursue this subject much farther; but, since there has been some misunderstanding of the effect of my amendment and some obvious misconception of the fact that it should save to Federal employees something which is in no wise protected under the Bratton amendment, I appeal to Members of the Senate to give attention to what leaders of responsible organizations representing Federal employees have to say about the pending amendment.

I direct attention first to a letter from President William Green, of the American Federation of Labor, written yesterday. He says:

WASHINGTON, D. C., February 6, 1933.

HON. EDWARD P. COSTIGAN,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I am writing to advise you that I am pleased to extend my approval to the amendment which you have prepared to offer to the Treasury-Post Office bill, and which reads as follows:

"In making any reduction in expenditures provided for in this section no wage cuts, other reduced compensation, or furloughs shall be ordered."

It is my understanding that this amendment provides that in the event appropriations provided for in the Treasury-Post Office bill are reduced 5 per cent, that the wages and salaries of Government employees will not be reduced and that no additional furlough will be imposed because of the 5 per cent reduction in general appropriations.

It is my understanding that this amendment meets with the approval of the representatives of Government employees' organizations. I am glad to join with them in extending personal and official approval.

Appreciating very much the interest you have shown in Government employees and the splendid efforts you are putting forth to maintain decent American standards of living, I beg to remain, Sincerely yours,

WM. GREEN,
President American Federation of Labor.

Here also are two other letters from other representatives of Federal employees.

The first is from the National Federation of Federal Employees, dated February 3. The president, Mr. Luther C. Steward, says, referring to the substantially similar amendment adopted last Saturday:

NATIONAL FEDERATION OF FEDERAL EMPLOYEES,
Washington, D. C., February 3, 1933.

Senator EDWARD P. COSTIGAN,
United States Senate, Washington, D. C.

DEAR SENATOR COSTIGAN: We desire to express thorough accord with the purpose of the amendment offered by you and adopted by the Senate yesterday placing a limitation on the 5 per cent additional savings authorized in the Bratton amendment. On page 72, lines 1 to 8, of the bill now under consideration by the Senate there appears language continuing the existing provision for administrative furloughs, which will afford ample latitude for administrators to effect economies without resort to dismissals. We feel that the effect of your amendment is to place the emphasis on the possibility of savings from sources other than personnel.

Very truly yours, LUTHER C. STEWARD, President.

The third letter is from the National Federation of Post Office Clerks. It is signed by Mr. Thomas F. Flaherty, the secretary-treasurer of the federation. It is dated February 3, 1933, and reads:

NATIONAL FEDERATION OF POST OFFICE CLERKS,
Washington, D. C., February 3, 1933.

HON. EDWARD P. COSTIGAN,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Your amendment to exclude wage cuts and furloughs from the application of the Bratton amendment is workable so far as the Postal Service is concerned, and I trust it will be finally enacted into law.

The pending postal appropriation bill carries a total of \$717,033,378. Of this amount, \$435,872,981 covers the wages of the person-

nel, leaving a total of \$281,160,397, from which the 5 per cent saving can be effective without the impairment of contracts or the efficiency of the service.

For instance, \$100,000,000 is appropriated for railroad and messenger transportation under contracts that are subject to immediate revision.

Other transportation costs, including star routes, ocean and air mail subsidies, aggregate \$50,850,000, and can be scaled downward under existing or new contracts at considerable saving.

Rents, fuel, and lighting charges amount to \$16,000,000, and there are ample opportunities for savings here because of lowered rental costs and material prices.

Thus the savings contemplated by the Bratton amendment can be made without reducing wages or adding additional furloughs and consequently your amendment will serve its purpose and prevent undue hardships upon the employees.

My hope is the Senate will not enact the Bratton amendment without the safeguard of your amendment, because in its original form it will result in wage reductions and enforced furloughs.

Sincerely appreciating your interest, I am

Very truly yours,

THOS. F. FLAHERTY,
Secretary-Treasurer.

The VICE PRESIDENT. The time of the Senator on the amendment has expired. He has 15 minutes on the bill.

Mr. COSTIGAN. The remaining time will be taken on the bill.

The VICE PRESIDENT. The Senator has 15 minutes on the bill.

Mr. COSTIGAN. Mr. President, it is unnecessary for me to add anything to what has been read. These noteworthy representatives of Federal employees know best the problems of their fellow men and women. I merely desire to suggest that it will be singularly unfortunate if the Government of the United States, in this period of widespread unemployment and general economic chaos, adds to the general catastrophe such results as are latent in the pending proposals. Certainly it is to be hoped that we here, in an hour when increased purchasing power and employment are supremely needed, will not sanction wage reductions which will be taken by industry as justifying like wage reductions everywhere. Surely every sound and humane impulse requires us to guard against new disasters while correcting the old, and building as rapidly as possible toward a new and better era.

I appeal to the Senate to see that the Bratton amendment is so improved in form that if the Senate later regrettably decides to adopt it, the amendment will do the least possible harm to the overwhelming majority of employees of the Federal Government whose faithful years of service ought to receive the most thorough and intelligent consideration of which we are capable.

Mr. President, concluding my remarks, I request that there be inserted in the RECORD an editorial from the Federal News, of Saturday, February 4, 1933, entitled "Congress Should Defeat Efforts to Crush Standards."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CONGRESS SHOULD DEFEAT EFFORTS TO CRUSH STANDARDS—REHABILITATION CAN NOT BE ACHIEVED THROUGH WAGE CUTS, WHOLESAL DISMISSALS, AND CURTAILMENT OF ESSENTIAL SERVICES

The way to improved economic conditions does not lie in further slashing meager Federal wages.

The way to sounder Government finances is not to be found on a road signposted by increasing deflation of pay rates.

The solution to the acute unemployment problem, which the Government itself is endeavoring to solve, does not consist in adding to the total of jobless by dismissing essential Federal personnel.

There is no wisdom in a policy which would deprive the people of the country of vital constructive services at a time when those services are most needed.

These are inescapable truths which Congress should bear in mind.

They are truths which every intelligent citizen recognizes. They are truths which legislators should have the courage to face squarely.

No sound economist favors Federal pay cuts. Each additional cut sinks us deeper in the mire of deflation, retarding the return of normal conditions.

The demand for Federal pay cuts comes not from the average citizen, the average wage earner, but from the selfish special interests, who are convinced they stand to reap large profits by permanently wrecking the whole American wage standard.

No intelligent observer, in Congress or out, contends that Federal wage cuts provide a saving in any degree proportionate to the wrongs they bring and perpetuate.

Yet it is on the specious grounds of "balancing the Budget" that the Federal wage scale has been reduced. And it is upon those grounds that it is being attacked now.

At a time when the Nation looks to Washington for moral courage and guidance, when the rank and file of employers are looking for a stiffening of their resolve to carry on under the American standard of wages and working conditions, Congress should not set an example of supine weakness.

Now, as never before, Congress should stand four square by the principles under which we have prospered and progressed.

Proposals which would arbitrarily dismiss hundreds and thousands of workers, ruthlessly and with virtually no regard for the value of the services they are rendering to the whole people, have no more merit than the wage-slash program.

By what stretch of the imagination can such dismissals prove of benefit to the American people?

Is there any constructive end to be gained by adding to the unemployment roll?

Is anything to be gained by putting the Federal Government in the same class as the so-called "big" industrialist whose first thought in a crisis always has been to throw overboard the human beings who made possible his success?

The legislator errs who believes that the wage earners of this country want him to use his influence to place the Federal Government in that category. He errs also if he believes that in setting such an example the Federal Government would be aiding in leading the country out of the depression.

At no time should the Federal Government maintain surplus employees. The National Federation of Federal Employees always has been a firm advocate of the highest efficiency and the greatest possible degree of sound economy in the executive establishments.

But these objectives are not obtained by arbitrarily dismissing so-and-so many workers. In addition to being a brutal, inhuman practice, it is rankly bad personnel policy.

Like all bad policies, it will prove definitely costly in the long run.

Wage cuts, wholesale dismissals, radical curtailment of essential services. These are the ends which selfish special interests now are inducing the Congress to attain in increasingly large degree.

Wage cuts, wholesale dismissals, curtailment of essential services.

They are the big three of deflation, depression, disaster.

Upon the highway trod by "big business" since 1929 the names of these three are writ in giant letters. No one need be told what they have brought in their wake.

Yet, with full knowledge of that holocaust of suffering, interests blinded by their own greed are demanding that Congress force the Federal Government to lead the grim procession of despair.

Wage cuts, wholesale dismissals, curtailment of essential services.

Is there a man or woman on Capitol Hill who believes that these three offer a solution to the vast problems of national economy and Federal finances?

There can be but one answer. Statesmanship will dictate but one position.

The time is ripe for statesmen to take that position and to hold it steadfastly.

Mr. COUZENS. Mr. President, I desire to take only a few minutes to point out the absurd circle in which we are going. It is my judgment that the Congress has gone literally mad over economy.

I do not mean to imply that there is not room for more efficiency and a better regulation of government; but this is no time to undertake the solution of the problem at the sacrifice of human beings.

Congress has recently appropriated \$650,000 for feeding the bread lines in the District of Columbia. Now, there is a proposal, not only in the Bratton amendment but in other amendments that are being considered, to lay off thousands of Federal employees or reduce them to the point where they will have to have Federal assistance.

Not only that, but there has come to my attention the fact that there are thousands and thousands of Federal employees who are keeping their relatives out of the bread lines in the cities back home.

Is this a time when Congress should lose its head over an economy drive and sacrifice every principle that we have established in trying to maintain decent and respectable incomes for Federal workers?

Mr. President, everyone sympathizes in principle with the proposal of the Senator from New Mexico [Mr. BRATTON]. Everyone would like to do what he proposes to do; but we are going in a vicious circle. We are laying off employees, we are cutting wages, and at the same time we are appro-

priating hundreds of millions to feed them in the bread lines.

Not only have we appropriated \$650,000 to feed the bread lines in the District of Columbia, but a subcommittee of the Banking and Currency Committee yesterday approved an appropriation of \$300,000,000 more to contribute to the States to aid the bread lines to feed the distressed.

The Senator from Colorado [Mr. COSTIGAN] and the Senator from Wisconsin [Mr. LA FOLLETTE] have a joint bill now on the calendar providing an appropriation of another \$500,000,000.

Is it not silly that we should spend our time discussing taking off 5 per cent of somebody's salary, or laying off some poor devil who is getting a couple of thousand dollars a year, and at the same time appropriating and proposing to appropriate billions of dollars to feed them in the bread lines? Can any sane person approve of such a proposal?

A very distinguished professor in my home city made a speech the other day in which he said that the people of the United States are absolutely going crazy. I concur in that view; and the craziness is emanating from the top and not from the bottom. For some absurd reason those in the most powerful positions are the ones who are conducting this terrific drive further to depress the incomes not only of Federal Government workers but of all other governmental workers, whether in States or other political subdivisions. We are responding to that drive, and at the same time we are in the absurd situation of having bills pending here for \$800,000,000 to feed the very persons whom we are going to discharge and thereby save \$100,000,000.

I am unable to comprehend such an economic heresy as is involved in a proposal of that kind.

Not only that, but if we reduce the salaries of the Federal employees, or lay them off, under the Bratton amendment, more thousands of people back in the States will be added to the bread lines, and we will be appropriating hundreds of millions of dollars more to feed them.

Mr. President and Senators, I submit that such an idea is an economy heresy, and that neither of these proposals should be adopted.

Mr. HALE. Mr. President, a day or two ago, on motion of the junior Senator from Utah [Mr. KING], we cut off from the Customs Bureau of the Treasury Department \$2,500,000 and from the Internal Revenue Bureau \$1,000,000. I have received word from the department that 92 per cent of the cut in the case of the internal revenue and 93 per cent in the case of the customs must fall on the personnel of those particular bureaus.

Everybody wants to economize, but it looks to me as though, in our efforts to economize, we were entirely losing sight of the fact that if we adopt the methods proposed we will be turning people out on the world, with no possibility of getting jobs and no possible means of existence. The Bratton amendment only makes the case worse; it would make it obligatory to refrain from administrative furloughs and to keep wages where they are. It forces dismissals.

We have the assurance of the Senator from New Mexico that we could readily make a cut of 5 per cent without interfering with the personnel. I have no such information in my possession, and no such suggestion has been made to the Committee on Appropriations. I do not believe it is in any way possible to do anything of the sort. But depending on the assurance that it can be accomplished under the amendment of the Senator from New Mexico we are called upon to make the 5 per cent cut absolute.

The amendment of the Senator from Colorado [Mr. COSTIGAN] would prevent the use of the furlough which would allow all employees, if they did not get their full salaries, still to get something, still to get enough to live on.

In what kind of a situation do we find ourselves? Obviously, if the amendment of the Senator from New Mexico shall be adopted, we will have to make the cut provided, and if we can not make it in the way of furloughs or by reduction of salaries, obviously we will have to dismiss the men and women in the service whose numbers will be high up in the

thousands. I shall speak later on the Bratton amendment, and I shall go into it more at length at that time.

Mr. President, it looks now as though we could get through with the pending bill to-day, and if Senators will assist we can certainly accomplish that. I think we ought to stay in session until we are through with the bill, and unless we get through by the end of the afternoon I shall ask the Senators in charge of the bill to hold the Senate in night session to-night.

Mr. TYDINGS. Mr. President, on the floor of Congress for all of this session a great many Members have been talking about the need for inflation. They have projected the viewpoint that the dollar now is valued at \$1.56, in other words, that it has appreciated in value 50 per cent.

If that is true, may I ask if the Government employee who takes a 10 per cent cut can not buy more with the 90 cents out of the dollar than he or she could have bought with \$1.25 four or five years ago? Certainly, we can not rise on this floor and say that the dollar has gone up so high that it will buy 50 per cent more than it would have bought four or five years ago, and then refuse to make adequate economies in the conduct of the Government. Let us take one horn or the other of the dilemma. Let us not say that they can buy more with this money and then say that they are not as well off, if we cut this appropriation 5 or 10 per cent, as they were four years ago.

Mr. WHEELER. Mr. President, I agree with what the Senator from Maryland says to the effect that the dollar has gone up in value, but what he is proposing to do by cutting salaries and cutting wages is to make it go up more in value rather than to bring it down. Whether or not the dollar goes up in value or whether it goes down in value depends to a large extent upon the velocity with which money circulates. The trouble to-day is that money is not circulating, that the velocity of money has been lost, practically, except with people who are being paid wages. When people are thrown out of work, or the amount of money they are receiving is cut down, the velocity of money is further slowed up, and consequently there is further deflation, instead of an attempt to inflate.

That is the very reason why I am opposed to further and continued deflation. I am heartily in accord with the views expressed by the Senator from Michigan [Mr. COUZENS]. I contend that there is positive hysteria throughout the country with reference to cutting down expenses of governments and with reference to taxes. But the attack on the situation is entirely from the wrong end.

I dare say everybody will concede that we are right at the crossroads. We must determine upon a positive policy for the Government to follow. Either we will have to follow the policy the Senator from New Mexico has inaugurated, of cutting wages and cutting wages, thereby bringing down the standards of living of American working people and the American farmer to the present low levels of Europe, or we will have to start in with positive inflation.

Mr. TYDINGS. Mr. President—

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Montana yield to the Senator from Maryland?

Mr. WHEELER. I yield.

Mr. TYDINGS. I am not taking issue with the Senator on the basic proposition.

Mr. WHEELER. I understand that.

Mr. TYDINGS. Of course, I realize that there is a great disparity between money and commodities, but I did not rise to argue that. I am only going to observe in passing that one of the best ways to cure the depression would be to double everybody's salary. That would speed the velocity of money. But what I am wondering is whence the money is to come with which to do that.

I want to say this: That I will be very much surprised if any economy is effected. I know it is useless to make a fight for economy, and I now issue the challenge to any man in the Senate to point out where \$100,000,000 of economy can be effected, and I say that because, even though everybody talks about economy, nobody votes for it, and

until we begin voting for it, I suggest that we stop talking about it.

Mr. WHEELER. Mr. President, I think there are ways in which we can economize in our Government expenditures and can save money. I do not agree that we can save such a tremendous lot as has been estimated by some, but I do say that the thing we ought to try to do is to put people to work so that the velocity of the currency would increase, so that commodity prices would come up, rather than take people off the pay roll and cut the pay roll down.

It seems to me that it is perfectly asinine for men to stand here on the floor of the Senate and talk about balancing the Budget while commodity prices are continuing to fall, because the Budget can not be balanced, and anybody who has any sense at all ought to know that it can not be balanced, while commodity prices are continually falling and falling. It might be balanced for to-day, but it can not be balanced and kept balanced while that condition exists. Any economist of note at all, or with any intellect at all, will agree with the statement which I have just made.

Mr. President, the unfairness, the inequality, that is to be perpetrated if the Bratton amendment is agreed to without the amendment of the Senator from Colorado must be apparent to the simplest minds in this Chamber, and I will explain just what I mean. Suppose I am the Secretary of the Interior, or the Secretary of Agriculture, or Secretary of some other department; it would simply mean, if I have to reduce 5 per cent, that I may be able to cut out some things in my department to the extent of 2 per cent without reducing salaries, but I will have to make up the balance of the reduction by cutting salaries. Consequently, I will have to cut salaries in the Interior Department, we will say, 7½ per cent. But the Secretary of Agriculture may say, "I can not cut out this function of my department, and consequently, in order to make a saving of 5 per cent, I will have to cut wages in my department 10 per cent." The Secretary of the Treasury may say, "I can not cut out this function, and in order to effect the 5 per cent saving in my department I will have to cut wages 15 per cent."

Mr. President, if the Congress of the United States wants to cut wages, there is one way to do it, and there is only one way to do it, it seems to me, in fairness to all of the departments, and that is to say that we are going to cut the wages of employees in all branches of the Government 5 per cent or 10 per cent, or whatever in the wisdom of the Congress of the United States we think they should be cut. I am opposed to that, myself. I think it is wrong. But if that is to be done, if that is to be the policy of the Government, let us not leave it up to the heads of the departments to say they will cut 7½ per cent in this department and in that department 5 per cent and in some other department possibly 20 or 25 per cent. It is not the scientific way to legislate; it is not the scientific way to go about wage cutting; it is not the scientific way to effect reductions in Government expenditures.

Mr. President, for the reasons I have stated I am opposed to the Bratton amendment. It would place in the hands of the executive branch of the Government a power which it should not possess. They could say that one group of employees should be cut 20 per cent, that another group in the same department should be cut 5 per cent, and another one 2 per cent. Is there any fairness in that proposition at all? Is there any justice in it? We would simply be saying to them, "Go in and cut your department expenses 5 per cent," and it would be entirely up to them as to how they should do it.

Mr. President, there are some on this side of the Chamber who argue that the heads of the departments would not be permitted to cut wages at all. I do not agree with them in that view of the matter. But if that is the correct view, and they could not cut wages under the Bratton amendment, then why not adopt the amendment offered by the Senator from Colorado and indicate that we do not intend that they should have the power to cut wages as a result of our action?

Mr. NORRIS. Mr. President, I dislike very much to be compelled to oppose the amendment offered by the Senator

from Colorado [Mr. COSTIGAN]. When I disagree with that Senator on questions of this kind I always hesitate with some fear that I myself must be wrong. I know that in his study of such questions as are involved in wage scales, and so forth, he is an expert; that he is not only an expert, but that he is absolutely conscientious in his belief; so that I have some fears of my own judgment when I find myself in disagreement with him on questions of this kind.

As I look at it, the amendment of the Senator from Colorado, to a great extent, will nullify the amendment of the Senator from New Mexico. I am in favor of the amendment offered by the Senator from New Mexico. He has offered it now at a place in the bill where, if it is agreed to, it will apply to all departments alike. That is the reason why I objected to it the other day when it was offered where it would only apply to one or two departments and let the others escape.

The Senator from Colorado has offered an amendment which will make it impossible, in carrying out a reduction in expenses, to reduce any salary. I believe there is a great deal in the argument made that if the head of a department is driven by this law to reduce expenses somewhere and is unable to do so without cutting wages, then if the amendment of the Senator from Colorado is in the law he will not be allowed to cut wages and as a last resort will be compelled to dismiss employees. Senators have been arguing against both amendments on the ground that it would bring about a dismissal of employees. The amendment of the Senator from Colorado, in my humble judgment, will bring about that very thing unless it is found possible to make all of the necessary decreases in other branches of any particular department, and I confess I do not believe that can be done.

Mr. COSTIGAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Colorado?

Mr. NORRIS. I yield.

Mr. COSTIGAN. Does not the Senator from Nebraska agree that under the Bratton amendment, if not further amended, it will be possible to make dismissals, order furloughs, and reduce wages?

Mr. NORRIS. That is probably true, Mr. President. When we adopt the Bratton amendment we have conferred upon somebody authority to do what Congress has been trying to do for over a year and found itself unable to do. I concede that it is not the most efficient way to bring about economy. I readily admit that the proper way to do it is to enact laws by which particular reductions are brought about. That is what ought to be done. I argued that in the last Congress and voted against the straight cut, but I found that however desirable and proper and efficient that way was, yet in practice it is an impossibility, and Congress ought to know that by this time.

It is unnecessary to discuss the reasons for it, it seems to me. I believe it will be conceded that two large legislative bodies like the Senate and the House are going to find it impossible by legislation to do what we all believe ought to be done to bring about economy. This provision delegates to the heads of departments the authority to make the reductions that we as a legislative body are unable to make.

Mr. COUZENS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Michigan?

Mr. NORRIS. I yield.

Mr. COUZENS. I was wondering if the Senator would not believe that the humane time to do this job is when there is opportunity to find work elsewhere?

Mr. NORRIS. My theory is that if the Bratton amendment is agreed to without the Costigan amendment tied to it, this is what will happen. Reductions will be made, but no dismissals except in cases where an employee is doing some useless work or where two employees are overlapping in work and doing the same work. What will occur will be reductions, of course, of that kind, either because of useless work or because of two employees overlapping on the same kind of work; but in my opinion, much as I regret it, though

I believe it necessary, it will mean a reduction in salary and not dismissal if the Costigan amendment is rejected.

Mr. COUZENS. I would like to ask the Senator from Nebraska if he can find any authorization in the amendment to that effect? In other words, the head of every department will be able to discharge anybody he sees fit to discharge, to cut the salary of anyone whom he does not like, and to punish them in any way he chooses.

Mr. NORRIS. I admit that. I admit that is the danger. I would like to avoid it by direct legislation, but, as I said, I believe that is an impossibility and that we are going to do something here that is not done in the most efficient way. We must trust somebody to do it. My idea is that above all heads of the departments will be the President of the United States, that he and they will meet and agree on some method of reduction that will apply alike to all departments. I am not in favor of having a clerk doing some work in the Agricultural Department and getting less pay than a clerk in the Navy Department who is doing identical work. I do not believe that will occur. Over and above all these departments is the President, with the deciding power of course, and in order to carry out a law which Congress has made mandatory they will agree upon the method of carrying it out.

I can easily imagine how, if they did not want to carry out the law in good faith, all kinds of difficulties would occur, the difficulties pointed out by various Senators, that under this amendment it would be possible for a department to dismiss all of the stenographers, for instance. That is true, but who thinks for a moment that would occur? If we are not going to do it ourselves and if we trust it to somebody else to do, it must be on the theory that they are going to do the job properly, that they are going to do it efficiently and fairly, that they are not going to disregard human nature and everything else and discharge people without cause. It is conceded that if two women are doing the same work in different departments which one could do that they are overlapping and that there ought to be a discharge in that kind of a case, even though it would create a hardship, and I concede that it would.

Mr. TYDINGS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Maryland?

Mr. NORRIS. Certainly.

Mr. TYDINGS. I agree with all that the Senator has said. With 12,000,000 unemployed, to keep one person who is not needed in a position at a high salary simply because that one person has a preferential position over the other 12,000,000 is not proper, and if he is not needed we ought to have the same rule applied.

Mr. NORRIS. I think so, and I thank the Senator for his interruption. That reminds me that we are compelled to do it not because we want to, but from the very condition in which we find our country to-day. I want to say to the Senate—and I am in earnest about it, although it is a repetition of what I have said before—that I would rather save the country from a catastrophe, perhaps even from ruin, even though to do it I had to bring about changes that I believe in ordinary circumstances would be absolutely inexcusable, and I think that is the position we are in now as a nation.

Mr. WHEELER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Montana?

Mr. NORRIS. I yield.

Mr. WHEELER. Of course, I do not agree at all with the Senator's statement, and I want to ask if the Senator wants to reduce wages, if he does not want to avoid any inequalities?

Mr. NORRIS. I just said that.

Mr. WHEELER. But the amendment would enable one department to reduce wages 5 per cent and another one 10 per cent, and so on.

Mr. NORRIS. I think the Senator did not hear what I said or he would not have asked the question. I have ad-

mitted that. I concede that would not be right. I do not want it to occur. I concede, when we give these gentlemen authority, that if the persons to whom the authority is given want to abuse it and not act in good faith they could do those very things. I admit all that, and I am only urging it to be done because, so far as I am able to reason the thing out, there is no other way to do it.

Mr. BRATTON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from New Mexico?

Mr. NORRIS. Certainly.

Mr. BRATTON. The Senator has voiced my feeling in exact language. I see no escape. We are in perfect accord about that.

Mr. NORRIS. I thank the Senator.

Mr. COSTIGAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Colorado?

Mr. NORRIS. Certainly.

Mr. COSTIGAN. I merely rise to ask the Senator from New Mexico how he justifies his statement and reconciles his last statement with his other statement that it is not necessary to make dismissals or reduce wages?

Mr. BRATTON. I did not say that. I do not recede from my previous statement one iota.

Mr. NORRIS. Mr. President, I can not yield to one Senator to ask another Senator questions in my time. How much time have I remaining?

The PRESIDING OFFICER. The Senator has three minutes remaining.

Mr. NORRIS. Very well; I yield the floor.

Mr. SMOOT. Mr. President, the other day my attention was called to a survey made in different sections of the country as to the cost of commodities used within the home. That survey showed that, including rent, clothing, and all that is used in the ordinary home, the cost is 22 per cent less to-day than it was three years ago. I have not had time to check that survey. I do not know whether it is true or not, but it was made by a reliable organization. I was very much surprised to see that all those items, including rents and the necessities of the home, are 22 per cent less in cost to-day than they were three years ago.

Mr. LOGAN. Mr. President, I have only a few words to say. I deem it proper to say a few things about the amendment proposed by the Senator from New Mexico and the amendment proposed by the Senator from Colorado to the amendment of the Senator from New Mexico.

I agree with the Senator from Maryland [Mr. TYDINGS] that we are not going to do anything about economy at this time. A good many years ago the people in a school district down in the country decided that they wanted to build a new schoolhouse. The people wanted it, but the trustees did not want it very much, so they adopted a resolution and wrote it on their books providing that there should be a new schoolhouse, that it should be built on the exact site of the old schoolhouse, but that the old schoolhouse should not be taken down or removed until the new schoolhouse was completed. [Laughter.]

That is exactly the kind of economy proposals we have here. If some Senator proposes a worth-while law or amendment to a bill that would bring about real results, then some other Senator proposes something that would provide that the first provision should not go into effect. I do not believe that we are going to make any saving worth while until the time comes, and it will come soon, when our Government securities, our Government bonds begin to go down. When they reach 70 or 75, because we have failed to balance the Budget, then the Congress of the United States will become panic-stricken and will rush through legislation that will do a real injustice, a great injustice to the Federal employees. In my humble judgment he is no friend to the Federal employee who advises him not to submit to any reasonable readjustment, although it may cause the dismissal of some and a reduction in salary of others.

What is the amendment of the Senator from New Mexico? It simply leaves to the head of the department the authority

to reduce by 5 per cent the amount of money authorized. No one can do it as well as the head of a department. That is the only feasible plan to follow, because we do not know, and we can not find out, just what can be done.

It is suggested that the departments may adopt different rules, and that there may be a greater cut in some than in others. Perhaps that may prove to be true. We are living in an imperfect world; we must take things as they are and not as we would have them, but when we reach the point in our governmental life that we can not trust anyone, then we had as well abandon all efforts to carry on governmental affairs. Authority must be placed in some particular person or group of persons, and that person or group of persons must be held responsible for carrying out the authority in a way that will be for the best interest of all the people. So I regard as puerile the suggestion that the heads of departments would be unfair.

Mr. President, I have no objection at all to the amendment proposed by the Senator from Colorado. The objection which is urged to it by some—that it does not allow dismissals—is, in my judgment, not sound. In my opinion, if we are going to eliminate governmental activities—and that is what is necessary—it follows, as a matter of course, that employees will be dismissed because their services will not be necessary to carry on the governmental activities which have been eliminated. So it seems to me that it is an argument advanced without thinking when we say that we will cut an appropriation, that we will eliminate certain work, that such action must be taken, but we will provide that no employee shall be dismissed. That means, of course, that we are required to carry on the pay roll employees whose services are not necessary.

Mr. WHEELER. Mr. President—

The PRESIDING OFFICER (Mr. PATTERSON in the chair). Does the Senator from Kentucky yield to the Senator from Montana?

Mr. LOGAN. I do.

Mr. WHEELER. The Bratton amendment does not provide that there shall not be dismissals.

Mr. LOGAN. No.

Mr. WHEELER. Neither does the Costigan amendment.

Mr. LOGAN. Neither does the Costigan amendment; and, therefore, I have no objection to the Costigan amendment; but if we provide in the law that there shall not be dismissals, then we force the reduction of governmental activities along certain lines and compel the retention on the pay roll of employees who ought to be dismissed.

There is another side to it, as suggested by the Senator from Michigan. I am a friend of the Federal employees; I do not want to see their salaries reduced below what is reasonable; but the argument that if we dismiss some one it will increase unemployment is a fallacious argument; it is not supported by any good reason. Those who are on the Federal pay roll must be supported by those out in the country who are now suffering, who are now without food to eat or clothes to wear. They must help to support those who are to be retained on the Federal pay roll when there is no necessity for their services. But, as I said a while ago, I agree fully with the suggestion of the Senator from Maryland that we will probably make no real reduction in governmental expenses until the hour of our calamity comes, although the danger may be seen on every side in deficits piling up day after day and no effort being made to balance the Budget. Some more learned Senators than myself say that it is not necessary to balance the Budget, but I know that if a condition like that shall prevail for a year or two longer there must be a crash. If the bonds of the Government depreciate very greatly in value, then we will have more bank failures and the failures of more financial institutions than we have ever dreamed of.

Mr. DILL. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Washington?

Mr. LOGAN. I do.

Mr. DILL. I have noticed that, despite the deficit, the value of our Government bonds is higher to-day than it has been at any time during recent years.

Mr. LOGAN. May I call the attention of the Senator to a truth that he knows as well as I: That a little more than a year ago, in September, 1931, the Treasury of the United States sold a billion dollars of Government bonds, and in less than 90 days they were selling around 84. What was the reason? What was the cause of it? Of course, Government bonds are now rather high because the Federal Reserve Board has been buying them. I am quite sure that the Senator recalls that the Federal Reserve Board has been purchasing \$50,000,000 or a hundred million dollars of Government bonds a week. Why? To peg the price of the bonds. But the Federal Reserve Board can not continue that indefinitely.

Mr. DILL. They had not been buying Government bonds for several months until last week.

Mr. LOGAN. Last week they commenced to buy them again.

Mr. DILL. And the price of bonds has gone up to around 110.

Mr. LOGAN. Can the Senator give any good reason why the price of Government bonds should go up, when we have a bonded debt now amounting to nearly \$21,000,000,000 and a deficit increasing at the rate of about \$6,000,000 a day?

Mr. DILL. I think the reason is that people are putting their money into tax-exempt securities, because they think their money is safe there, and they do not put it into industry or into ordinary commercial business.

Mr. LOGAN. Does not the Senator think that the time will soon come when the money, such as the people have, will all be invested in such bonds, and they will begin to slide down?

Mr. DILL. It will then be necessary to have some inflation, perhaps.

Mr. LOGAN. I think so, but what are we going to do? Just sit still and wait until the Government is destroyed before we attempt to do anything, and "mouse track" as we have been doing for some time?

Mr. WHEELER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Montana?

Mr. LOGAN. I yield.

Mr. WHEELER. Let me call the Senator's attention to the fact that during the World War we did not balance the Budget, and no attempt was made to balance the Budget, and yet, as a matter of fact, after that war Government bonds went down at a time when we were supposed to be in the most prosperous condition in the history of the country and when we were not only balancing the Budget but when we were paying off money that we had previously borrowed. The reason bonds went down at that time was because of the fact that the people were making more money and putting their money into industrial concerns and getting a higher rate of interest. The fact of the matter is, the question of balancing the Budget does not affect our bonds very much, unless we should go to the point where our country would become bankrupt; and certainly the Senator does not think if we do not adopt a 5 per cent cut and do not decrease the salaries of employees that this country is going to be bankrupt. It never will be saved from bankruptcy in that particular way.

Mr. LOGAN. I do not think that it will be necessary at all to cut the salaries of Government employees by reason of the adoption of the Bratton amendment; but I do very seriously disagree with the Senator from Montana when he says that the Government can not go bankrupt. Other governments down through the ages have gone bankrupt; other governments have failed; governments are failing in modern times; and if we continue collecting less than around two and a half billion dollars a year and spend \$5,000,000,000 or more a year, with \$200,000,000,000 of debts, public and private, resting on the backs of the people, it seems to me that it may not be long until the Government will be at least very seriously impaired so far as its financial affairs are concerned.

Mr. WHEELER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kentucky yield further to the Senator from Montana?

Mr. LOGAN. I yield.

Mr. WHEELER. I was going to say that I think the Senator will agree with me that the cutting of wages and further deflation is not the way to solve the problem which confronts us, and that what we should be doing, rather than further deflating conditions in the country, is to attempt to inflate and bring up commodity prices, thereby putting more people back to work and increasing the velocity of the money that is in circulation. In that way we could balance the Budget, because the people would have greater incomes.

Mr. LOGAN. I agree with the Senator. But we are not going to do that, and I do not think that we will do anything until action is forced upon us by a calamity which will necessitate our doing things which will result in injustice to a great number of people.

Mr. FESS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Ohio?

Mr. LOGAN. I yield the floor.

Mr. FESS. Mr. President, a very distinguished statesman once said that it is a condition, not a theory, that confronts us. That is what we have to-day. I assume that all must agree that we must cut to the bone the expenditures of the Government. I do not think anyone will question that statement; it is so obvious. The Government's income is constantly diminishing, and its outgo, unless we proceed to reduce expenditures, will remain stationary, if it shall not increase. So it seems to me that it can not be disputed that we must cut the expenditures of the Government.

I agree precisely with the Senator from Maryland [Mr. TYDINGS] and the Senator from Kentucky [Mr. LOGAN], who has just spoken, that we are not going to decrease the cost of government unless we proceed along the line suggested, and by proceeding along this line we are not going very greatly to reduce expenditures.

I recognize that there are vices in the so-called Bratton amendment; there are elements in it that none of us like. I do not like the idea of delegating to the heads of the departments the discretion which is written into the amendment that, under the compulsion of reducing expenditures 5 per cent, they may have such latitude as to make it possible for them to take it all off one particular unit, or to grade it, so as to impose a reduction of a certain per cent on one and a different per cent on another, and still a higher per cent on another. I do not like that feature of the proposal any better than do those who have submitted it, but I do not see any other way unless we proceed by legislation to make the direct cuts, which everybody knows we are not going to do. Every one knows that if that is not impossible it is impracticable. So we are left to the alternative of giving some discretion to the heads of the departments or else confess our inability to do anything. While, as I have said, there are elements in the Bratton amendment that I do not like, there is more to be gained from it than to be lost; and for that reason I intend to vote for it, recognizing that it has in it certain features which we wish it did not contain.

I can not vote for the amendment offered by the Senator from Colorado [Mr. COSTIGAN]. It puts the heads of the departments, in my judgment, in a position in which it would be cowardly on our part to place them. It proposes to turn over to them authority to do a thing and then cripples them in the main field in which they would have to operate.

In the case of the Post Office Department salaries are understood and admitted to represent 90 per cent of its expenditures, and to say that we are compelling the department to reduce 5 per cent on the sum total appropriated or authorized but that the Postmaster General must not touch the great field where the reduction will have to come, is not an honest position for us to take. I see what is going to happen if the Costigan amendment shall be adopted.

Senators will go to the head of the department and demand that certain things be not done, although the Post-

master General is authorized to have them done, and it will be said: "It was stated on the Senate floor that you could do this without doing that; it was the intention of Congress you should do this and not do that." There will be terrific pressure exerted, not only by Senators but by the friends of the employees. When this amendment begins to take effect there will be terrific pressure from the very sources where the authority was given, against the one on whom the authority operates, not to do what he was authorized and compelled to do. That is the situation that is coming; and we will find that under the compulsion of the cut the heads of the departments will be besieged by all the friends of the individual on whom the law operates not to do that thing because it was not intended, and it was openly stated that it was not intended.

Let us be fair about this matter. When I vote for the Bratton amendment, I know that it means cuts in salaries; and I am not going to try to let anybody believe that the people who are going to be operated upon by this law are not going to feel the effects of it. There must be the application of this amendment, in certain departments, upon the personnel.

I am assuming that the head of each department will act in the spirit of the statement of the Senator from New Mexico and endeavor equitably, to the best of his ability, to secure governmental efficiency upon an economic basis. I must assume that the head of the department will do that. As I stated, I regret to have to give him that discretion; but I do not see what else we can do unless we confess that we can not make any reduction, and I do not want to confess that. Therefore I shall vote for the Bratton amendment. Then I certainly shall vote against the Costigan amendment, which in operation will nullify the Bratton amendment in a degree, if it is to be approved.

So, Senators, hard as it is for us all to do, we are simply compelled to proceed on the basis of reducing these appropriations to the best of our ability consistent with efficiency in service and on an economic basis.

It is a hard task, one that I wish we could avoid, but really it seems to me there is no choice left. I shall vote for the Bratton amendment in the hope that something in the way of savings can be effected without undue hurt. I shall also vote, when it comes to that particular part of the bill to give to the President authority in the matter of consolidation and transfer; but when I do that, I do not propose to embarrass the President and the department head by going down and saying to him, "Do not remove this man. He is my friend. He is my appointee. I did not intend for you to do that when I voted for this amendment. I do not want you to remove people from Ohio. They are efficient. They are needed."

When I vote for this amendment, I vote with my eyes open, knowing that these changes must be effected; and I am going to be man enough not to find fault with the department for effecting the thing that I authorized it to do. I make that statement because I happen to know the pressure that will go down to the departments after we put this burden upon them.

Mr. COPELAND. Mr. President, I shall detain the Senate but a moment. Because of what the Senator from Ohio [Mr. Fess] stated just now, I desire to say a word.

I am glad he feels as he does about title 4 of this bill. In that section of the bill we are going further than the Congress has ever gone before, except in war times. We are justified in doing so. The conditions that face this country are just as bad as they could possibly be if we were at war with the world. We are at war with unemployment and distress and sickness and human misery. If there ever was a time when we were authorized by conditions to take such action as this, we are in that time to-day.

Mr. President, I have confidence that the Executive will carry out the declaration of policy and the plans proposed in title 4. If I had any doubt about it I should scan more carefully the measures which are now pending before us. But I know that the President will have ample authority under title 4 to do all those things that are necessary to be

done, and without impairing seriously the necessary functions of government.

Mr. President, for myself I am unwilling to go further in the matter of reductions and furloughs and dismissals until somebody in executive authority has studied the question more closely, with all the needs of the Government under consideration at the same time, and a decision has been rendered after such a study.

I appreciate what has been done by the Senators who have been members of the Economy Committee. They have devoted time and energy and worry to the solution of a problem. But when it comes to dealing with human beings, when it comes to the question of placing more unemployed in the ranks of that growing army of unemployed, when it comes to a material reduction in the standard of living of the employees of this Government, I do not want action taken until the Chief Executive has made a study of the subject and has said to the Congress and to the country that those changes must be made.

It is because I feel that way about the matter and because I have implicit confidence in Mr. Roosevelt that I take the position I do. I know the manner of man he is as well as anybody in this Chamber could possibly know. I know that he will face courageously, and with kindness of heart as well, all the problems placed upon him by the almost dictatorial powers proposed by this bill. When he comes to us and says that we must make reductions in numbers of employees or in salaries, I shall be satisfied to follow his lead; but until that time I am unwilling to go further than we have gone.

From the letters I have had from employees of the Government in my State I know what these enforced furloughs have done. I know the suffering we have already caused; and I am quite unwilling to have further action along that line taken by the Congress until the President elect himself has had an opportunity to study the question.

Therefore, Mr. President, I intend to vote for the Costigan amendment and to vote against the Bratton amendment as modified, as I hope it will be, at least to the extent of the amendment offered by the Senator from Colorado.

Mr. GORE. Mr. President, a few moments ago the Senator from Ohio [Mr. Fess] said that it is a condition that confronts us, not a theory.

I would amend that in one particular: It is an empty Treasury, it is a famished Treasury, it is famished taxpayers that confront us—not a theory. It is a tragedy. I speak figuratively now, but these words may come true. It is a tragedy that confronts us, not a theory.

In so far as the Bratton amendment contemplates or would result in dismissals, I should regret such a consequence. I do not favor dismissals from the employment of the Government. I do not desire to recruit the army of unemployed; but in so far as the Bratton amendment proposes to reduce the salaries of Federal employees along with other expenditures, I feel bound to favor the proposal. I would rather cut down pay than to cut down pay rolls. If we do not cut down the one we may be compelled to cut down or cut out both. I do not see how Senators can resist a proposal so obviously just and so self-evidently necessary.

I think I will offer an amendment to the pending amendment proposed by the Senator from New Mexico: "Provided, That the salary of no Federal employee shall be reduced without his consent in writing." [Laughter.] I do not think we ought to rely merely upon the spoken word. That might be misleading. Whenever a Federal employee, in writing—perhaps it might be well to require it to be verified—will petition Congress to reduce his salary, then Senators might well win the favor of such employee by complying with such petition. [Laughter.]

Mr. BARKLEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Kentucky?

Mr. GORE. I yield.

Mr. BARKLEY. The Senator now is not speaking in behalf of the paper and ink manufacturers of this country; is he?

Mr. GORE. I do not know, Mr. President; but if we could put a tax on red ink we could meet the deficit in the Treasury. [Laughter.]

Mr. President, the Senator from Colorado [Mr. COSTIGAN] has placed in the RECORD a letter from the president of the National Association of Federal Employees protesting against a cut in Federal salaries. I was astonished that this high official of this organization should oppose the reduction of Federal salaries.

The Senator from Colorado placed in the RECORD a letter from the National Federation of Post Office Clerks protesting against a cut in their pay. Just what the Senator's motive was I do not know. He is a man of eminent ability, and seldom in this body does he elaborate the obvious.

Imagine an organization of Federal employees protesting a reduction in their own pay! The Constitution of the United States committed the keeping of the sword to the executive department. It committed the keeping of the purse to the legislative department. Under the Constitution we levy taxes and ordain the expenditures of this Government; but, sir, we have abdicated that high constitutional power. We have surrendered it, it would seem, to employees' associations. We obey their behest instead of serving the interests, the overpowering necessities, of the taxpayers of this country.

Mr. President, I think that every human being who is on the Federal pay roll to-day ought to rejoice in his good fortune. Those employees have good places, they have good pay, and, up to date, secure pay. They have a life tenure. They have retirement pay. They have, as they ought to have, comfortable working conditions, and if any human being in the service of the United States to-day is displeased either with his place or his pay, he has the right to resign. Any human being in the employment of the United States to-day who complains of his place or his pay ought to be removed from the position which he now fails to fill.

Mr. President, there are a million hungry men and women in this country who would sacrifice years of their lives to hold these places, and to receive one-half the compensation. Let these people resign. Let the forgotten man have but a chance, and 16 to 1 for every place will make application, and I doubt not will fill these places with high efficiency, uncomplaining about the rate of their pay.

Some one has said the Federal employees now spend one-half of their time discussing whether or not they can get a raise in their pay, and the other half discussing whether or not if they can not obtain an increase, it will reduce their morale. As suggested by the Senator from Utah a few moments ago, the cost of living in this country has declined in the last four years 22 per cent, retail prices have declined 22 per cent, commodity prices—the more is the tragedy—have declined 50, 60, 70, even 80 per cent. Farmers are selling their hogs at 3 cents a pound, selling their cotton at 5 cents a pound, selling their corn at 10 cents a bushel. We have here a Treasury running behind \$5,000,000 a day. In order to balance the Budget, we are asked to levy a sales tax on these farmers, and make them pay taxes out of the wretched proceeds of their products to pay the unreduced salaries enjoyed by the favorites and the pet children of this Republic.

Senators may not comprehend how widespread and how deep-seated is the sentiment in this country in favor of retrenchment, not, if I may use the phrase, mere lip service to economy. We will have to cut down expenses, or will have to raise taxes. We may have to do both. We will increase taxes. We will heap up the burden on the bended backs of the American taxpayer, and make him pay through the nose; yet Federal employees' associations communicate with Senators protesting against bearing their share in the reduction of public expenditures.

Mr. President, I will vote to protect the right of these people to resign, protect them in their constitutional right to resign if they are dissatisfied with their pay, but I think they ought to rejoice that they are on the pay roll, and I think it would be a tribute to their patriotic devotion if

they would consent without protest to this necessary reduction in the interest of necessary retrenchment, and, sooner or later, unavoidable economy.

Mr. WALSH of Massachusetts. Mr. President, I have supported the so-called Bratton amendment, and I intend to support it when a vote is taken to-day. It is a definite and absolute way of reducing expenses. The debate, however, has pointed out some possible objections and consequences which lead me to support the Costigan amendment, because I believe it perfects the Bratton amendment.

The debate has raised a serious issue, as to whether or not the department heads would have authority, under the Bratton amendment, to reduce salaries. The Senator from South Carolina [Mr. BYRNES] says that, in his opinion, there would be no such authority in any department head, and that salaries or wages could not be reduced without a specific act of the Congress. The Senator from Colorado insists, and other Senators insist, that under the Bratton amendment it would be possible to reduce salaries and wages.

If that is so—and there is a doubt about it—one thing is certain, that department heads would have the authority to reduce wages beyond the point to which we have reduced our own compensation. We have reduced our own salaries 10 per cent, and I am not going to vote for a reduction in wages of any employee of this Government which would amount to more than 10 per cent until we reduce our own salaries further. Therefore, in view of the doubt raised, first, as to whether or not the Bratton amendment would justify a department head in reducing wages, and, secondly, if it is construed to give that authority, the possibility of a department head reducing wages beyond the reduction we have made in our own salaries, I intend to support the Costigan amendment to the Bratton amendment.

Mr. President, a year ago it was proposed in this Chamber that we levy these reductions on a graduated scale, beginning at 5 per cent and reaching 15 per cent. The proposal was defeated in this Chamber because 15 per cent would apply to the Members of the Congress. Senators were willing to go as high as 10 per cent, they were willing to have a flat reduction of 10 per cent, but beyond that, because it would reach the pay of the Members of the Congress, this body refused to go. Now, it is proposed, if the contention of the Senator from Colorado is true, in an indirect and subtle way to permit department heads to reduce salaries, and to reduce them, not merely 10 per cent but 15 per cent or 20 per cent or more, if they see fit. I am assuming now that the contention of the Senator from Colorado is correct.

In the matter of reducing salaries, Mr. President, I suggest that we do it in the open, that we call the roll. I will go as far as anybody, but we must begin with our own salaries, and we must reduce our own a little more than those of the employees who are receiving a scant \$2,000 or \$1,000, or less.

Mr. BINGHAM. Mr. President, will the Senator yield to me?

Mr. WALSH of Massachusetts. I yield.

Mr. BINGHAM. We were told this morning in the Committee on Appropriations by a representative of the State Department that officers of the Foreign Service at the present time have had their pay reduced not less than 25 per cent, and some of them as high as 33 per cent. The lowest-paid officers in the Foreign Service of the United States Government have had their incomes for the past year reduced 25 per cent.

Mr. WALSH of Massachusetts. What act of Congress brought about that reduction?

Mr. BINGHAM. It was pursuant to the economy act.

Mr. WALSH of Massachusetts. When?

Mr. BINGHAM. Passed last year.

Mr. WALSH of Massachusetts. Where is the language in the act that justifies a reduction of 25 per cent in the salaries of the employees of the State Department?

Mr. BINGHAM. In the first place, they get a definite reduction in their pay; in the second place, they get a very great reduction in post allowances; in the third place, they

must pay an income tax on their salaries, which they did not pay before. All of these combined result in a reduction of 25 per cent in the compensation of the lowest-paid officers of the Foreign Service.

Mr. WALSH of Massachusetts. I thought there were some explanation other than the fact that we had passed any act in the Congress reducing their salaries more than 10 per cent. It is true that we have reduced the allowances heretofore granted to them. But, if I may say to the Senator publicly what I said to the Senator from Montana when he made a statement about the number of employees of the State Department being reduced, if we do make such reductions, we will not begin to go to the extent to which almost every other government in the world has gone in the way of reducing the number of employees in their foreign services, or to which every other government in the world has gone in the way of reducing salaries. Some of the representatives of some of the foreign countries in Washington have informed me that the reductions in their allowances and salaries have amounted to as much as 40 per cent of what they have been in normal times.

Mr. BINGHAM. Mr. President, will the Senator yield further?

Mr. WALSH of Massachusetts. I yield.

Mr. BINGHAM. The only point I was trying to make was that the reduction in Senators' salaries amounted to 10 per cent, the reduction in the salaries and allowances of Government clerks in Washington at the present time totals 8½ per cent, whereas for persons employed in our Foreign Service the reduction amounts to not less than 25 per cent.

Mr. WALSH of Massachusetts. Mr. President, I thought I made it clear that I understood the contention of the Senator from Colorado to be that if the Bratton amendment were adopted it would be possible for a department head not only to increase the amount of the reduction in wages and salaries from 8½ per cent but to go up to 15 or 20 per cent if he saw fit to. Is that the contention the Senator from Colorado has been making?

Mr. COSTIGAN. It is, Mr. President; and I rise to say to the Senator from Massachusetts that it is my understanding that the Senator from New Mexico last night practically took the same position.

Mr. WALSH of Massachusetts. I do not follow the Senator to that extent. I had a colloquy with the Senator from New Mexico last night, and his reply to my questions seemed to indicate that he did not think that his amendment would permit a department head to reduce wages beyond the point authorized directly by act of Congress last year.

Mr. BRATTON. Mr. President—

Mr. WALSH of Massachusetts. I am glad to yield to the Senator from New Mexico.

Mr. BRATTON. I said that was my opinion. I said I was not certain about it. Others in this Chamber differ with me. But that is my opinion. I said that in my opinion the 5 per cent could be saved without going into the personnel. I am at a loss to understand why the Senator from Colorado still undertakes to state my position as reflected in my own language of last evening.

Mr. WALSH of Massachusetts. In justification for what the Senator stated—

Mr. COSTIGAN. Mr. President, let me interrupt the Senator from Massachusetts merely to say that I so understood his remarks of last evening.

Mr. WALSH of Massachusetts. Let me read from yesterday's CONGRESSIONAL RECORD, at page 3478, as follows:

Mr. WALSH of Massachusetts. May I inquire of the Senator whether any of this saving will come through reduction of wages?

Mr. BRATTON. If the amendment which the Senator from Colorado intends to offer is adopted, none of it will come from reduction of wages. Part of it may come from dismissals from service, but not from reductions.

Mr. WALSH of Massachusetts. It is possible for this sum of money to be saved to the Public Treasury without any reduction of wages?

Mr. BRATTON. I think so. I have not the slightest doubt about it.

Mr. WALSH of Massachusetts. I thought that during the colloquy between the Senator from Colorado and the Senator from New Mexico when he offered his amendment a few days ago the

Senator from New Mexico stated that wages could not be reduced without a specific act of Congress. Am I correctly informed as to that colloquy?

Mr. BRATTON. I expressed that view, but I am not entirely certain about it. This is a later act, and it might be construed as a modification of earlier acts. I am not so sure about that.

Mr. WALSH of Massachusetts. The Senator from South Carolina has said repeatedly that it can not be done.

Mr. BRATTON. The Senator from South Carolina is of that opinion, and several other Senators whose opinion is entitled to great respect believe that.

Anyway, there is some doubt about the authority bestowed. My position is this: Let us reduce salaries, but let us reduce our own first, and let us reduce our own somewhat more than we reduce the salaries of the employees in the smaller salaries on the Federal pay rolls. Because there is a doubt about this power, and in view of the colloquies that have taken place here, I am not going to vote to give department heads general authority to reduce salaries. I should like to know how many men on this side of the Chamber would be voting to give that authority if the new administration on the 4th of March was going to be Republican.

Mr. FLETCHER and Mr. COSTIGAN addressed the Chair.

The VICE PRESIDENT. Does the Senator from Massachusetts yield; and if so, to whom?

Mr. WALSH of Massachusetts. I will yield in just a moment. I would not vote to give that authority to new department heads if the new administration were going to be Republican, and I am not going to vote to give it to department heads who will be Democrats, though naturally I have more confidence in their judgment and discretion than I have in Republicans. However, the principle for which I contend is that it is bad policy; that this is a power that ought not to be intrusted to department heads. It is contrary to the whole policy of our Government, under which we in our appropriation bills specifically name and designate salaries and wages. We do this even with our own clerks. We fix the amount they may receive and how many clerks we shall have. Now, it is proposed to nullify all that and let the department heads use their discretion in fixing wages—for the power to reduce is the power to establish wages.

I yield now to the Senator from Florida.

Mr. FLETCHER. Mr. President, I feel inclined to agree with the Senator from Massachusetts, but there is one thing I can not understand. These reductions, it seems to me, ought to be uniform. How is it our people in the Foreign Service are reduced 25 or 30 per cent, as the Senator from Connecticut [Mr. BINGHAM] states? How does that come about when other reductions are only 10 per cent or 8½ per cent? How is it worked out that reductions in the Foreign Service are so excessive?

Mr. BINGHAM. Mr. President, will the Senator from Massachusetts yield to me to reply to the Senator from Florida?

Mr. WALSH of Massachusetts. Very well.

Mr. BINGHAM. It is because we have done it in an underhanded manner without realizing that we have taken away from them that much. We allowed them for rent, heat, and light. We have taken away their allowances for various other things, and then we have placed an income tax on them which we did not place on them before. So, everything considered, we have reduced their salaries and allowances by about 25 per cent, while the clerks in Washington have not had their salaries decreased more than 8½ or 10 per cent.

Mr. WALSH of Massachusetts. The Senator is following the example set by Congress last year in the case of State Department employees by continuing an underhanded way of reducing wages of other employees. This proposal would permit a department head to reduce wages, and that would be doing it in the dark and without us knowing anything about it, just as the Senator from Connecticut states was done last year in the State Department through indirect methods.

The VICE PRESIDENT. The time of the Senator from Massachusetts has expired.

Mr. BARKLEY obtained the floor.

Mr. COSTIGAN. Mr. President—

Mr. BARKLEY. I do not want to consume more than 15 minutes.

Mr. COSTIGAN. Will the Senator permit me to make one statement in my own time?

The VICE PRESIDENT. The Senator from Colorado has already exhausted his time.

Mr. COSTIGAN. It is not my understanding that I have exhausted my time on the bill. When I concluded I was speaking on the bill.

The VICE PRESIDENT. The Senator has spoken once on the bill, and under the unanimous-consent agreement he may not speak more than once.

Mr. BARKLEY. I will yield to the Senator from Colorado if he will not take more than two minutes.

Mr. COSTIGAN. I thank the Senator from Kentucky.

In support of what I said to the Senator from Massachusetts about the position of the Senator from New Mexico I wish to read the following statement of the Senator from New Mexico, appearing on page 3478 of the CONGRESSIONAL RECORD of Monday, February 6:

The amendment expressly provides, in the concluding sentence, that such reductions—
"shall be made in a manner calculated to bring about the greatest economy in expenditures consistent with the efficiency of the service."

If the head of a department should determine that that could be done best by reducing the scale of wages, I am not so certain but that such interpretation could be sustained, because this being the later act would perhaps modify early legislation.

Mr. BARKLEY. Mr. President, I expressed a few days ago my views on the amendment offered by the Senator from New Mexico [Mr. BRATTON] when it was offered at another place in the bill, and I have no hope that anything I could say at this time would change anyone's vote. I hesitate to occupy as much as 15 minutes of the time of the Senate, and I would not do so except for the fact that I have reached a solemn conclusion that no good is coming out of this session anyway between now and the 4th of March, and I suppose therefore we have a perfect right to talk, because that may be the least harmful thing that may come out of the balance of the session.

In the outset I want to say that I am not frightened by the declaration or the suggestion that as the first item in our economy program we ought to vote to reduce our own salaries. One reason why I am not frightened by any such threat or suggestion is that when this matter was up a year ago I voted on a roll call to reduce our own salaries 25 per cent. Not only that, but in another body, when I was a Member of that body, I voted against increasing the salaries of Members of Congress from \$7,500 to \$10,000. But, Mr. President, if all of our salaries were wiped out entirely and we were compelled to serve the public for nothing the saving would not pay the interest on the public debt one day out of the 365 days in the year. I mention that only to emphasize the fact that we are not going to balance the Budget by any reduction in salaries here or anywhere else.

But there is on the part of some of us, it seems to me, a complete loss of perspective. We have had a new expression coined in recent weeks and months and that is described as a state of mind known as tax consciousness. We had a friendly controversy here the other day about who is and who is not a Democrat. I am of the opinion that Democracy is a state of mind and everyone lives in his own state. I think that the same thing is true of economy. We have reached the point where I am very much reminded of the little quatrain where the daughter rushes in to her mother and asks if she may go to swim.

"Mother, may I go out to swim?"

"Yes, my darling daughter.

Hang your clothes on a hickory limb,

But don't go near the water!"

[Laughter.]

We have all got our clothes on a hickory limb. If we do not know it, I think everyone else in the United States does. But we are not willing to go near the water! [Laughter.]

This question of tax consciousness is not an American phenomenon. It is a world-wide situation. A year or two

ago there was an attack threatened against the House of Lords in England because of a proposal to raise taxes on the English people. In all the cities throughout Germany there have been protests against increased taxes and against increased expenses. The struggle between the farmers and the tax collectors in at least six nations in eastern Europe has well-nigh brought on in some of them open revolt and revolution. In all the nations of South America where there has been a revolution—and I do not like to use that word because of its implications; but there have been in South America revolutions which ran out of the country its President, who in some cases sought refuge on a warship and in other cases in other nations. Those revolutions were not political; they were economic. They were brought about by a desire on the part of the people to better their economic condition in the hope that a new administration might not only bring about improvements in the economic life, but also might bring about a reduction in expenses that are reflected in taxes.

A year ago in the city of Philadelphia the people marched on the city hall in protest against an increase of 35½ cents tax on every \$100 worth of property in that city. The people of New York made an unavailing protest last year against the \$631,000,000 annual budget of that city. This year they have been more successful, and that very situation threatens to bring about a very interesting contest in the municipality of New York in the coming election to decide who may control the destinies of that city.

It may not be worth much to restate the increases in government expenses in this country. It has been done frequently. But in order that I may put in the RECORD what I am talking about I wish to recite a few figures.

I remember something about conditions in the country in 1890 and 1891, when I was a boy in knee trousers in a country school in Kentucky. I remember that my father sold his wheat crop for 35 cents a bushel, but it did not require very much money then to support the family. In that year, 1890, the entire output of the American people for government expenses, National, State, county, and city, was only \$855,000,000. By 1913, 23 years later, it had mounted to \$4,919,000,000. Ten years later, in 1923, it had mounted to \$9,920,000,000. In 1932, only nine years later, it had mounted to the enormous sum of \$15,090,000,000. So that to-day, Mr. President, with a total national income of only \$40,000,000,000, which has been reduced in three years from \$85,000,000,000 down to \$40,000,000,000, we are expending \$15,000,000,000 to pay for government in the United States of America.

Men may have their peculiar theories about what is the matter with this country and what is the matter with the world, but the heaviest loads that bear down upon the backs of the people and upon our economic system, threatening the very stability of government itself, are debts and taxes. In the United States to-day the farmers owe a total of over \$12,225,000,000. The railroads of the United States to-day owe more than \$12,700,000,000. Public agencies, Federal, State, and local governments, owe to-day more than \$30,000,000,000. Private corporations to-day owe a total of \$74,660,000,000. Individuals owe a total of over \$6,000,000,000. So there to-day is a total debt, Federal, State, county, municipal, agricultural, railroad, private corporation, and individual, of more than \$154,000,000,000. On that \$154,000,000,000 of indebtedness there is an annual interest charge of \$8,600,000,000. In other words, Mr. President, out of a total annual income of \$40,000,000,000 our governmental expenses and our annual interest charges amount to more than \$23,000,000,000. More than one-half of all the money the American people are making to-day goes to pay for government and interest on what they owe.

We have been for weeks holding hearings in the appropriate committee of the Senate, seeking to devise some way by which there may be a voluntary or other scaling down of the debts of our people so that they may have more money and longer time to dig themselves out of the ditch in which they find themselves; and yet we debate here as if it were a fundamental, vital question, involving the sta-

bility of our institutions and the life of civilization itself, whether we shall reduce, 5 per cent, the expenses of Government departments.

I have no desire to see any Federal employee's salary reduced; there is nothing malicious in the vote that I am going to cast; but I feel that I owe a duty to somebody else in this country as well as to those who are employed by the Federal Government. I can not lose sight to-day of the hundreds of thousands of American farmers who are about to lose their homes under foreclosure; I can not lose sight of the fact that there are hundreds of thousands, if not millions, of farmers to-day who can not pay their taxes, who are not making enough money not only to pay the interest on their debts or to reduce their debts but who can not even preserve their homes from the sheriff or the tax-gatherer, and who to-day are confronted with the probability, if not the certainty, of having their homes sold from over their heads, unless Congress, by some emergency measure passed between now and the 4th of March, shall make provision for a kind of moratorium to preserve the homes of the American people. I can not forget the millions of laboring men in this Nation upon whose labor rests the support of all our institutions, and the 12,000,000 who have no work at all.

I can not forget the millions of small business and professional men in this land whose business and whose income have disappeared, and I can not forget the millions of depositors whose life savings have been swept away in this great catastrophe. All of them would rejoice to-day if only 5 per cent had been taken from the value of their incomes.

I like the spirit manifested by the new Governor of Indiana, who, within three weeks after his inauguration, called both houses of the Indiana Legislature together and in a joint caucus bound them to a proposal, suggested by him, to take 168 bureaus in the government of Indiana and combine them into eight departments under his control. They have done that, the bill for that purpose having been signed by the governor and being now the law of the State of Indiana. Yet we quibble here, we take up days, talking about whether a Cabinet member or a department chief shall be authorized to bring about economies in his department that will at least result in saving 5 per cent to the tax-ridden, down-trodden, distressed taxpayers of the United States.

I am opposed to the amendment offered by the Senator from Colorado [Mr. COSTIGAN] and am enthusiastically for the amendment offered by the Senator from New Mexico [Mr. BRATTON].

The VICE PRESIDENT. The Senator's time has expired.

The question is on agreeing to the amendment of the Senator from Colorado to the amendment of the Senator from New Mexico.

Mr. COSTIGAN. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Couzens	Kendrick	Schuyler
Austin	Dale	Keyes	Sheppard
Bailey	Davis	La Follette	Shipstead
Bankhead	Dickinson	Lewis	Smith
Barbour	Dill	Logan	Smoot
Barkley	Fess	McGill	Steiwer
Bingham	Fletcher	McKellar	Swanson
Black	Frazier	McNary	Thomas, Idaho
Blaine	George	Metcalf	Townsend
Borah	Glass	Moses	Trammell
Bratton	Glenn	Neely	Tydings
Brookhart	Goldsborough	Norbeck	Vandenberg
Bulkeley	Gore	Nye	Wagner
Bulow	Grammer	Oddie	Walcott
Byrnes	Hale	Patterson	Walsh, Mass.
Capper	Harrison	Pittman	Walsh, Mont.
Caraway	Hastings	Reed	Watson
Clark	Hatfield	Reynolds	Wheeler
Connally	Hayden	Robinson, Ark.	White
Coolidge	Hebert	Robinson, Ind.	
Copeland	Hull	Russell	
Costigan	Johnson	Schall	

The VICE PRESIDENT. Eighty-five Senators have answered to their names. A quorum is present.

Mr. BORAH. Mr. President, I would like to ask the Senator from Colorado [Mr. COSTIGAN] a question. The amendment now pending, as I understand, is identical with

the amendment which was offered by him a few days ago at the time I raised the same question I am now about to raise.

As I understand, the effect of this amendment would be in making any reduction in expenditures provided for in this section to prevent wage cuts, other reduced compensation, or furloughs, and the amendment would apply regardless of the amount of wage or salary a given employee was drawing.

In so far as this amendment would protect the small wage earner or the employee who is drawing a small salary, I would be thoroughly in favor of it; but would the Senator be willing to accept an amendment—I can not offer to amend the amendment because a further amendment would be in the third degree—to the effect that the prohibition against wage cuts or salary reductions shall apply only to employees who are not paid in excess of, say, \$1,500?

Mr. COSTIGAN. Mr. President, I fear that the figure suggested by the Senator may be low.

Mr. BORAH. It may be low, but—

Mr. COSTIGAN. May I ask the Senator, in return, whether there is a definite line of demarcation between wages and salaries which the Senator from Idaho has in mind?

Mr. BORAH. No; I do not have that in mind. What I had in mind was the amount which an employee is drawing, whether in wages or salary. It seems to me that we might, under the extraordinary circumstances confronting us, be willing to put a limit beyond which wages and salaries might be reduced 5 per cent; but I do not want to go so low as actually to interfere with the living possibilities of an employee who is drawing a small amount.

Mr. COSTIGAN. Mr. President, may I say to the Senator from Idaho that the Senator from West Virginia [Mr. NEELY] the other day attempted to put a limitation of \$2,000 on wage reductions, and the Senate rejected his amendment? I fear to encumber the amendment with any such definite proposal.

Mr. BORAH. Mr. President, this amendment, it seems to me, will have some votes against it on the ground that a salary may not be cut although it may be as high as \$5,000 or \$6,000. Of course, I can not offer an amendment because of the degree; but I wish the Senator might see his way clear to give us an opportunity to vote on a limitation of \$1,800, so that no salaries below that amount could be cut.

Mr. COSTIGAN. Mr. President, I should like to do anything within my power to accommodate the Senator; but I fear that a definite figure might result in the defeat of the amendment.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Colorado [Mr. COSTIGAN] to the amendment proposed by the Senator from New Mexico [Mr. BRATTON].

Mr. COSTIGAN. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BRATTON (when his name was called). I transfer my pair with the junior Senator from Nebraska [Mr. HOWELL] to the junior Senator from Utah [Mr. KING], and will vote. I vote "nay."

Mrs. CARAWAY (when her name was called). On this question I have a pair with the senior Senator from New Jersey [Mr. KEAN]. I do not know how he would vote if present; but if I were at liberty to vote, I should vote "yea."

The roll call was concluded.

Mr. MOSES (after having voted in the negative). I have a general pair with the senior Senator from Louisiana [Mr. BROUSSARD]. He is absent, and I can not obtain a transfer. Therefore I withdraw my vote.

Mr. HATFIELD (after having voted in the affirmative). I have a general pair with the senior Senator from Oklahoma [Mr. THOMAS]. Not being able to secure a transfer, in his absence I withdraw my vote.

Mr. FESS. I have been requested to announce the following general pairs:

The Senator from Wyoming [Mr. CAREY] with the Senator from Louisiana [Mr. LONG]; and

The Senator from California [Mr. SHORTRIDGE] with the Senator from Mississippi [Mr. STEPHENS].

Mr. NORRIS. I desire to announce the absence of my colleague the junior Senator from Nebraska [Mr. HOWELL] on official business of the Senate.

The result was announced—yeas 52, nays 30, as follows:

YEAS—52

Ashurst	Costigan	La Follette	Russell
Austin	Couzens	Lewis	Schall
Barbour	Dale	Logan	Schuyler
Black	Davis	McGill	Shipstead
Blaine	Dickinson	McNary	Smith
Borah	Dill	Neely	Steiwer
Brookhart	Frazier	Nye	Swanson
Bulkley	George	Oddie	Townsend
Bulow	Goldsbrough	Patterson	Wagner
Capper	Hayden	Pittman	Walcott
Clark	Johnson	Reed	Walsh, Mass.
Coolidge	Kendrick	Reynolds	Wheeler
Copeland	Keyes	Robinson, Ind.	White

NAYS—30

Bailey	Fletcher	Hebert	Thomas, Idaho
Bankhead	Glass	Hull	Trammell
Barkley	Glenn	McKellar	Tydings
Bingham	Gore	Metcalf	Vandenberg
Bratton	Grammer	Norbeck	Walsh, Mont.
Byrnes	Hale	Robinson, Ark.	Watson
Connally	Harrison	Sheppard	
Fess	Hastings	Smoot	

NOT VOTING—14

Broussard	Hatfield	Long	Stephens
Caraway	Howell	Moses	Thomas, Okla.
Carey	Kean	Norris	
Cutting	King	Shortridge	

So Mr. COSTIGAN's amendment to Mr. BRATTON's amendment was agreed to.

The VICE PRESIDENT. The question now is on the amendment of the Senator from New Mexico, as amended.

Mr. REED. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. The Senator from Pennsylvania offers the following amendment:

On page 1, line 2, strike out the words "and directed," and insert:

And, except in the case of the War Department and Navy Department, is directed—

Mr. REED. Mr. President, the purpose of the amendment is to leave in effect the authority to the Secretary of War and the Secretary of the Navy to make the 5 per cent reduction in their departments, but to take away from those two departments the compulsion which otherwise would rest upon them to make the cut.

I can explain, I think, in a moment, where that necessity arises.

The appropriations for the military activities of the War Department have been cut down more than 20 per cent under similar appropriations two years ago. Those cuts have been made in every place in which the department itself, or the Director of the Budget or the Appropriations Committee of the House or the Appropriations Committee of the Senate, has been able to invent a possible saving.

At the present time in the Army appropriation bill, which stands upon the calendar awaiting action, the appropriations that are carried for the pay of the Army and the pay of the National Guard and the pay of the West Point cadets aggregate \$147,000,000, out of a total appropriation for the military activities of about \$275,000,000; that is to say, about 55 per cent.

It is hard to talk down a Democratic caucus, Mr. President.

Mr. GORE. Mr. President—

Mr. REED. I yield to the Senator from Oklahoma.

Mr. GORE. I will say publicly what I said privately to the Senator from New Mexico—that the Senator's amendment should be amended by inserting "except everybody."

Mr. REED. That would be ideal, Mr. President.

Mr. GORE. Yes, sir.

Mr. REED. I am going to vote that way myself when the amendment is offered.

Mr. GORE. I have no doubt of that.

Mr. REED. Mr. President, out of the total appropriation for the military activities of the Government, 55 per cent is made up of those three items.

Mr. GLENN. Mr. President, will the Senator yield?

Mr. REED. Yes.

Mr. GLENN. Just for information, what pay do the West Point cadets receive?

Mr. REED. My recollection is that it is \$50 a month, but I am not sure. That is what it used to be—about five or six hundred dollars a year. I am not sure of the exact amount.

Those three items constitute 55 per cent of the military appropriations. Obviously, if a 5 per cent cut on the whole is to be made, the burden of the whole 5 per cent must fall on the remaining 45 per cent, because all of these salaries and pay rates are statutory and can not be reduced; and if they could be reduced it would be wicked to make the reduction. We have already reduced the officers' pay. The enlisted men receive such a tiny pay in money that it would be sheer cruelty, and utterly unwise, to make any further reduction against them.

Obviously, any sane Secretary of War will have to throw the burden of the whole 5 per cent reduction on the 45 per cent of the appropriation which does not deal with the pay of those three elements of the services. That is to say, we are requiring a cut of one-ninth in the appropriations for clothing and subsistence and barracks and quarters and ammunition and ordnance supplies where those items have already been cut down to the very bone.

Now, armies can function in bare feet. The best armies this country ever saw were those of Sherman and Lee in 1865; and about half of each army was walking barefoot and in rags. I do not believe, however, that the American people to-day, even in the present condition of Government expenses, want to see our Regular Army and our National Guard reduced to that pinch of poverty.

The present appropriations allow the issue of only one uniform per man per year, and it can not be cut down much below that. Therefore, Mr. President, it seems to me to be wholly reasonable to allow these two departments to make this reduction, but not to compel them to do it, if the efficiency and morale of our two services are not to suffer.

No man knows when we will have to call upon the Navy to serve as our first line of defense. Any thinking man who reads his newspapers thoroughly to-day is far from tranquil in his mind as to the possible need for that Navy, and to cut them down by the proposed action below the point of their utmost efficiency would seem to me to be wholly unwise.

Mr. WALSH of Massachusetts. Mr. President, if the Senator will yield, I do not know as much about the situation at the Military Academy at West Point as about the situation at the Naval Academy at Annapolis. There are hundreds of young men at Annapolis whom we are educating free of cost, for whom we will have no commissions when they graduate. This year I think we will be able to commission less than a third of those who will graduate. It is my judgment that the United States Government should not single out for higher education, either in the Military Academy or the Naval Academy, or any other academy, any group of young men. I inquire if that is not an item where there could be a reduction of expenses by reducing the number of students in the academies?

Mr. REED. Mr. President, I speak with better knowledge of West Point than of Annapolis, because my contacts are the reverse of those of the Senator from Massachusetts. The number of students both at West Point and at Annapolis, I think, has been reduced in the last few years. The naval conference of 1922 was expected to result in a reduction of the number of cadets at Annapolis.

Mr. WALSH of Massachusetts. It is my impression the reduction has been very slight.

Mr. REED. My impression is that whereas there used to be four cadets for every Member of Congress, we now have but three, and the plan is to reduce the number to two. I am sorry I mentioned the cadets at all, because their appropriation forms a very small part of the appropriation

involved. The total appropriation for the pay of cadets at West Point is less than \$590,000. That is trivial compared with the pay of the Regular Army, which is about \$128,000,000, and the pay of the National Guard, which aggregates about \$18,000,000. So that I really need not have mentioned the cadets at all.

Mr. COUZENS. Mr. President, one way to secure what the Senator is trying to accomplish would be to vote down the Bratton amendment.

Mr. REED. That is true. But for fear the Bratton amendment would be agreed to, I have offered this amendment, to make sure that the cut, if made, will not be made where it would injuriously affect the efficiency of our military services.

Finally, Mr. President, this matter will be wholly in the hands of the new Democratic administration, which will undoubtedly work in full accord with the Senator from New Mexico, and with a vast majority of the next Senate and the next House of Representatives. If those Democratic gentlemen, in their zeal for economy—and they have promised the country economy beyond the bounds of possibility, in my judgment—if in their zeal for economy they can save 5 per cent from the military services, the Bratton amendment, as amended, I hope, by my suggested change, will give full authority to the incoming Cabinet officers to make the reductions, because the effect of my amendment would be to authorize the cut, but not to compel it; in other words, to allow them to do it if they can, but not to force them to do it against the best interests of the country.

Mr. SWANSON. Mr. President, I think I ought to make a short statement in regard to the Navy. Japan has built 100 per cent of what she was authorized to build under the London treaty, Great Britain has built 87 per cent, and the United States has built less than 60 per cent. I fully concur with the Senator from Pennsylvania that we ought to make the proposed action an authorization and not a direction. Complications might arise which would make it necessary for us to use our Army or our Navy in some disturbed condition in the world, and I think that, with the amendment of the Senator from Pennsylvania, the amendment of the Senator from New Mexico ought to be agreed to.

Mr. President, I think the defense of our country is an obligation the Federal Government has made to the States. It is a constitutional obligation. It is an obligation we can not shirk. It was understood when the Federal Constitution was adopted that the Federal Government alone would be looked to for Federal defense. It is the duty of the General Government to see that every State is safe from naval attack or military invasion. Consequently I think the amendment of the Senator from Pennsylvania should prevail.

The incoming administration will be devoted to economy, and it does seem to me that an authorization along the line suggested would be almost equal to a direction. It has been said that the word "authorized" is almost a mandate, unless the thing authorized is an impossibility, and I do believe that, in the disturbed conditions now existing in the world, the exception proposed by the Senator from Pennsylvania ought to be made, especially when we are now party to a conference where we are trying to get a reduction, under which we would not build up any more. I remember that as a result of the Washington conference \$179,000,000 worth of our ships, on which we had spent vast sums of money, were sunk or rendered unavailable as warships; Great Britain destroyed about \$2,000,000 worth, Japan about \$11,000,000 worth, and we have been trying at the Geneva conference to get those countries to make the same sacrifice we made at the Washington conference.

Up to this time, Mr. President, we have not been successful, but those who were present at the conference were hopeful. I do think that at this time we should make the exception proposed and leave it to the incoming President to determine whether our line of defense shall be reduced comparatively or left as it is, as the circumstances might determine.

Mr. PITTMAN. Mr. President, will the Senator from Virginia yield?

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from Virginia yield to the Senator from Nevada?

Mr. SWANSON. I yield.

Mr. PITTMAN. I would like to have the opinion of the Senator as to whether or not the 5 per cent saving could not be effected by a cessation in the building of residences, quarters, and so forth, for the Army?

Mr. SWANSON. I think that all the building the Army and the Navy expect has taken place. I understand the appropriation bills contain no provisions for building. If there are such provisions, and the work is unnecessary, the provisions ought to be excluded.

Mr. PITTMAN. I am seeking information.

Mr. SWANSON. The naval appropriation bill has not yet come to the Senate.

Mr. PITTMAN. I would not want to vote for anything that would impair the efficiency of the Army or the Navy at present; nevertheless, if there are those things which are in the nature of luxuries, or something that would afford more convenience than they now have, which might absorb the 5 per cent, I would be in favor of doing away with the luxuries, as other people are doing away with them.

Mr. REED. Mr. President, will the Senator yield?

Mr. SWANSON. I yield.

Mr. REED. The Army appropriation bill, now on the calendar, not only does not authorize any additional building of barracks or quarters, but it revokes and repeals the outstanding appropriations for building recreation halls, gymnasiums, post exchanges, and buildings of that sort at various Army posts. We not only do not authorize any more of it, but we have cut out from appropriations authorized in former bills at every point possible. There is no room for making any cut in that item.

Mr. HALE. Mr. President, the annual appropriation bills, as estimated by the Bureau of the Budget, exclusive of permanent appropriations of about \$1,400,000,000, amount to substantially \$3,000,000,000. The amendment of the Senator from New Mexico [Mr. BRATTON] would apply to that \$3,000,000,000. Five per cent of \$3,000,000,000 would be \$150,000,000. Owing to the fact that the amendment leaves out certain Treasury appropriations for building, I think the figures now indicate that the amendment would effect a saving of \$146,000,000.

Mr. REED. Mr. President, will the Senator yield for a statement at that point?

Mr. HALE. I yield.

Mr. REED. The Army bill, as reported to the Senate this year, all by itself carries \$105,000,000 less than the Army bill last year carried. I submit to the Senate that we have been loyal in our efforts to make reductions.

Mr. HALE. Mr. President, included in this \$3,000,000,000 are substantially \$840,000,000 for the Veterans' Bureau, which, under existing law, we have to pay. Therefore no cut could come out of that.

Also included in the \$3,000,000,000 are about \$600,000,000, as given to us by the Bureau of the Budget, of obligations which the Government has to meet, which can not be reduced. That leaves a little over half of the \$3,000,000,000 on which this amendment must have its effect; that is to say, instead of being a 5 per cent cut in all of the appropriations, it is substantially a 10 per cent cut.

That means that certain of the departments where there are no Government obligations existing would have a 5 per cent cut. Other departments where there are obligations existing would have a 10 per cent cut, or might have a 15 or 20 per cent cut.

Let me call the attention of the Senate to the case of the Veterans' Bureau. Our appropriations for the Veterans' Bureau, according to the estimates, are \$940,000,000. Of these \$940,000,000 there are obligations amounting to \$830,000,000 which we have to meet under existing law. But, under the amendment of the Senator, there would be a 5 per cent reduction in the entire Veterans' Bureau appropriation. All of this cut would have to come out of the running expenses of the Veterans' Bureau; and when I say

"running expenses," I mean the administrative expenditures, the expenditures for medical aid, for hospitals, and for domiciliary purposes, such as the soldiers' homes.

The cut, under the amendment of the Senator from New Mexico, would be nearly \$50,000,000; that is to say, we are to make a cut of almost 50 per cent in the items for hospitalization, medical treatment, and general administration.

Mr. President, obviously that is not a fair proposition. Obviously we could not do anything that would be more injurious to the veterans' appropriations than just that. I do not think the Senator from New Mexico wants to see anything of that sort happen. I do not think the Veterans' Bureau could possibly carry on with that cut that would be obligatory under the Senator's amendment. I am going to suggest as a modification of the amendment of the Senator from Pennsylvania that he exclude also the Veterans' Bureau, along with the Army and the Navy, and in perfecting his amendment I ask that he include those words.

Mr. REED. Mr. President, I think we had better settle the questions one at a time. I would rather have them voted on one at a time.

Mr. BORAH. Why not include them all and just quit?

Mr. HALE. I am not in favor of the amendment, if that is what the Senator from Idaho means. I think it is in the highest degree unwise.

The Senator from Pennsylvania has spoken about the effect of the amendment on the Army. I know more about the Navy than I do about the Army, and I would like to say a few words about the effect of this amendment on the Navy.

Mr. TYDINGS. Mr. President, will the Senator yield to me?

Mr. HALE. I yield.

Mr. TYDINGS. Does the Senator approve of an emergency officer who is retired with pay of \$218 a month, in addition drawing \$600 from the Federal Government by virtue of his connection with the National Guard, and in addition to that drawing a salary as a State official, and practicing his profession as well? Does the Senator think there should be no retrenchment there?

Mr. HALE. I do not at all approve of that, Mr. President, but if we are going to take care of that situation we ought to legislate. We are not going to legislate, as the Senator knows.

Mr. TYDINGS. If the Senator will yield, we will never legislate until fixing on a sum of money forces us to legislate. I am of the opinion that nobody, no committee, and certainly not the Senate, is going into this abuse of emergency officers' retirement pay until we cut down the money appropriated and are forced to make the reduction.

Mr. HALE. That can not be done on this bill and the Senator knows it. I do not think the Senator wants to cut down on hospitalization.

Mr. TYDINGS. No; I do not. Now, if the Senator will yield further—

Mr. HALE. I yield for a question, but I should like to proceed.

Mr. TYDINGS. I think the Senator will concede that no legislation touching these abuses is likely to come to the floor of the Senate.

Mr. HALE. I think that is quite true.

Mr. President, so far as the Navy is concerned, the most desirable thing in the eyes of every naval officer in the country is to keep up the personnel of the Navy and to keep up the ships of the Navy. Every effort of the Navy is expended to bring about this result. Last year we had to cut down very materially in the expenses of the Navy Department. This year we have had to cut down a great deal more. The Budget estimates are \$30,000,000 less than the estimates submitted by the department. In all probability the House will cut down the Budget estimate when the bill, which has not yet reached them, comes before them.

Mr. President, every possible cut has been made in the Navy, with a view to keeping up the number of enlisted men and keeping up the ships of the Navy. No further cuts can be made without absolutely impairing the efficiency of the Navy. We have reached the limit in that regard. What

kind of a Navy have we now? At the close of the World War we had a Navy which, if we had rounded it out, would have been able to meet all of the navies of the world combined. But gradually, by treaty agreement and by not building up our Navy, we have lost that position. We are now the second Navy in the world and fast becoming the third. Also, my friends, the two lesser treaty powers, France and Italy, are rapidly gaining on us. Before long we may find ourselves in a third or fourth or fifth position. I submit to the Senate that world conditions do not warrant us in getting into any such situation so far as our first line of defense is concerned. But that is where we are getting. Any cuts that are made in the Navy will mean that the Navy will have to cut down in personnel or will have to cut down in the ships that we keep in commission or that we are building.

With the appropriations that we have now we are not able to keep our full Navy in commission. We are not able to keep up the force that it is estimated we need to hold our position in the world. We can provide only 85 per cent of the crews for the ships that we keep in commission and we can keep in commission only 80 per cent of the ships that we ought to keep in commission. The rest are put on a basis of part commission and are not immediately available in case of trouble.

The prime requisite of the Navy is that it be able to strike, and to strike instantly when it is needed. This we can not do under present existing circumstances. If we cut the Navy down further another \$15,000,000 we are going to find ourselves just so much worse off in the times that are to come. I hope very much that the amendment of the Senator will not prevail.

Mr. CONNALLY. Mr. President, I want to inquire of the Senator from Maine where he thinks we ought to cut? The Senator from Maine, of course, is an expert on naval affairs, and when anybody proposes a cut in the Navy he holds up his hands in horror. Where ought we to cut? Let the Senator from Maine tell us.

Mr. HALE. By legislation.

Mr. CONNALLY. Tell us some legislation now.

Mr. HALE. In all probability we ought to cut down the veterans a certain amount. We ought to cut down a number of other activities.

Mr. CONNALLY. The Senator knows we are not going to do that.

Mr. HALE. I know we are not, and therefore there is no point in slashing the appropriation bills and impairing the efficiency of the Government when we are not succeeding in what we ought to do. We are not going to balance our Budget by any such proceeding as that. If the Senator wants to know what I think we ought to do, I think we ought to pass the appropriation bills substantially as they passed the House of Representatives. Then, when the Democratic Party comes into power it can reorganize the bureaus and offices of the Government and can cut down expenditures if it is found possible to do so. If we do that, we can get the appropriation bills through in this session of Congress and can give the Democrats a clear field in the extra session.

Mr. CONNALLY. Mr. President, I am not surprised at the Senator from Maine. He proposes to let somebody else do it. He would let the next administration do it. The next administration must cut expenditures, and if the next administration does not cut them we are going to be in about as bad a fix as the Senator and his party were in the elections last year, because the people of the United States are demanding that these expenditures be reduced.

Mr. HALE. I hope the Senator and his party will get them reduced.

Mr. CONNALLY. I am what we call a big-Navy man. I have always voted for a big Navy. But I do not believe the world and the country are in any such condition as the Senator from Maine pictures and that we are going to get whipped somewhere by somebody or somehow unless we go on building new ships and carrying on the great expenditures in behalf of the Navy.

Mr. HALE. Mr. President—

Mr. CONNALLY. I should like to proceed, if the Senator please.

Mr. HALE. I thought I had the floor, but I am glad to yield to the Senator from Texas.

The PRESIDING OFFICER. The time of the Senator from Maine had expired and the Chair has recognized the Senator from Texas.

Mr. CONNALLY. I thank the Senator from Maine for his proposal to yield to me. I take his wish for the act.

Mr. President, I have always voted for the biggest Navy possible. I believe the United States ought to have a Navy equal to that of any nation on earth, not because I want war, but because I believe it is the only way to prevent war. We have gone through two or three processes of disarmament and each time we disarm we find that we have disarmed, but the other nations do not disarm. After junking a great many battleships, then the Senator from Maine and others come before the Senate and want us to build back our Navy to the treaty basis. Ultimately we may have to do that.

Mr. CLARK. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Missouri?

Mr. CONNALLY. Certainly.

Mr. CLARK. Is it not a fact that the United States is spending more money on its Navy right now than any other nation in the world?

Mr. CONNALLY. I am sure that is true, although I have not the figures available. The Senator from Maine does not deny it and I assume therefore it is true.

Mr. HALE. I do not deny it because I can not go into the details at this time. I do not say anything about it because it is very complicated and too much of a question to go into in the time available to me now.

Mr. REED. Mr. President, will the Senator from Texas yield to me?

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Pennsylvania?

Mr. CONNALLY. Certainly.

Mr. REED. There are two factors that explain it, and they can be stated very shortly. In the first place, our rates of pay for our sailors are materially higher, almost double those of any other power on earth.

Mr. CONNALLY. Yes; I know it.

Mr. REED. In the second place, the only comparable Government with ours is the British; and in that Government they have no expenses whatever for the air force, because, having a separate air force, they conceal that expense or subtract it from their navy budget.

Mr. CONNALLY. All the Senator from Pennsylvania says is true, but that does not change the statement of the Senator from Missouri that we are spending more money to-day on our Navy than any other great nation on earth is spending on its navy. Why can not we in these times reduce some of the expenses of our Navy? What power is threatening the United States? Can we not stop and get our breath for a few minutes before we go on loading onto the back of the people more and more money for armament? The Senator from Pennsylvania has just pointed out that we are paying our naval officers—

Mr. REED. I said our enlisted men.

Mr. CONNALLY. Our enlisted men. I am satisfied the Senator from Pennsylvania would make that suggestion. The officers of the Navy never get too much. The enlisted men do get too much.

Mr. REED. Mr. President, will the Senator yield further?

Mr. CONNALLY. Certainly.

Mr. REED. I have been fighting in this session to prevent any cut in the pay of these same enlisted men. They do not get enough.

Mr. CONNALLY. The Senator says our enlisted men in the Navy get more than the enlisted men of any navy on earth, and yet he is fighting any cut in their pay.

Mr. REED. Mr. President, will the Senator yield further?

Mr. CONNALLY. If I have sufficient time.

Mr. REED. I will gladly give the Senator some of my time. The PRESIDING OFFICER. The Senator from Texas has five minutes remaining.

Mr. CONNALLY. I give the Senator one minute of my time.

Mr. REED. Take the French Navy, for instance. Their men enlist in the navy to avoid compulsory military service in the army. They are paid about 5 cents a day. Would the Senator recommend that for the United States?

Mr. CONNALLY. Oh, no. The Senator does not recognize that we have no draft laws here in times of peace. The Senator from Pennsylvania, though, by asking the question can not avoid the responsibility for answering my question in his own mind. If we are spending more money for the Navy to-day than any other great power, with no threat from abroad, with no danger from abroad, the taxpayers of America are entitled to some of the reductions in naval and military expenditures of the Government.

Senators seems to be worrying about the poor enlisted men in the Navy and in the Army. I am thinking of some enlisted men down in my State and in your State who have not a good Government place to sleep at night, who do not get a pay check from the Government on the first of every month, but who are out of jobs, and who are hungry and who are unsheltered. I am thinking of others who are perhaps not in quite that plight, but there are people whose incomes are shriveled, whose resources have almost disappeared through this gigantic depression, but who are still being required to pay burdensome and onerous taxes.

The Senator from Maine [Mr. HALE], of course, means to put more taxes on them, because he says we must balance the Budget. The result is we will keep up these Navy expenditures, and then we will turn around and pass some other kind of a tax bill, and go down and search out the last hole in the pockets of these people for more money to balance the Budget.

The Budget balancing is all on one end. We have got to start balancing the Budget right now by cutting every dollar that can be spared. Let some of the rest of the services bear a part of the burden. Let them make some of the sacrifices. We ought in this session to economize to the uttermost. In the next Congress, unless our administration does better than the administration of the Senator from Maine [Mr. HALE] and better than the administration of the Senator from Pennsylvania [Mr. REED], the country is going to condemn our administration. We must reorganize the departments. We must cut and slash expenses. But whenever we undertake to cut and slash expenditures and we touch the Navy, the Senator from Maine will be here holding up his hands in horror; and, when we cut the Army, the Senator from Pennsylvania will rush onto the floor of the Senate with alarm in his face and terror in his voice with exclamations that we are destroying our national defense.

We have got to defend this country from somebody besides foreign governments. We have got to defend this country from want and suffering and misery. We have got to defend the taxpayers of this country a part of the time. The taxpayers have been defending the country through the Army and the Navy for a long time. We have got to put up some breastworks and some fortifications in behalf of the people of the country who are bearing the burdens of government. If we go on down the line, the gentlemen at the head of the respective departments will be found saying, "You must not cut here and you must not cut there."

It reminds me of the preacher who went to a community and began to preach against drinking whisky. One of the deacons called him off to one side and said, "Brother, you must not talk about those that drink whisky. Brother Jones is one of our deacons and he likes a little liquor on the side." Then he went to preaching against horse racing. He was called aside again and told not to preach against horse racing. He was told that "Brother Smith likes to go to horse races and he contributes liberally to the church, so you must not talk about horse racing." Then he began to talk about

card playing and was told that Sister Brown was quite a card player, and so he had to stop talking about card playing. Finally another brother came to him, after he had denounced some other practice to which he objected, and said, "You must not talk about that." He replied, "Well, what can I talk about, then? I can not talk about liquor and gambling and cards and horse racing; who must I denounce?" He said, "Well, suppose you denounce the Jews; there ain't any of them here."

So, Mr. President, every chairman of a committee wants to cut expenditures, but he wants the cut to be made in some other department, in some other division of the Government. "Do not touch my child. This is mine. The Army is mine. The Navy is mine. The Department of Agriculture is mine. Do not cut mine." I want this Congress to cut everywhere that cutting can be done without destroying the absolutely necessary vital services of the Government, and I hope that the amendment of the Senator from New Mexico will be adopted, and we shall tell the administrative heads of the Government that expenditures must be reduced. They know where the cuts can be made. If they do not, they have got no business holding their jobs. They know where economies can be put into effect. If they do not know, they have had four years of idleness and inattention to their duties, and let us tell them where to apply these cuts.

Mr. REED. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Pennsylvania?

Mr. CONNALLY. I yield.

Mr. REED. The Senator is talking about the present department heads who have had four years of experience. They will be out of office long before the appropriations provided by this Congress shall become available.

Mr. CONNALLY. And we shall have others in their places who will know how to put the reductions into effect during the next four years. [Laughter.]

Mr. REED. We should be glad to have the Senator tell us who they are going to be.

Mr. CONNALLY. They will not be selections of the Senator from Pennsylvania. [Laughter.] But, in all kindness, let me say to the Senator from Pennsylvania that his administration has been in office for four years; they have not been able to economize and they have not economized; they have not cut down, and whoever the Democrats put into power can not make conditions as bad as they have been in that respect during the last four years.

Mr. REED. Mr. President, will the Senator yield further?

The PRESIDING OFFICER. Does the Senator from Texas yield further to the Senator from Pennsylvania?

Mr. REED. Just for a question.

Mr. CONNALLY. I yield.

Mr. REED. Does the Senator know that the Army appropriation bill reported yesterday carries \$105,000,000 less than last year's Army bill. Does not the Senator call that a saving?

Mr. CONNALLY. I do call that a saving, but most of that is in the nonmilitary activities of the department, is it not?

Mr. REED. I beg the Senator's pardon.

Mr. CONNALLY. What is the biggest item of saving?

Mr. REED. All the Army housing is cut out, and there are reductions all along the line.

Mr. CONNALLY. I asked the Senator what was the biggest item of saving.

Mr. REED. The biggest single item is in rivers and harbors.

Mr. CONNALLY. Oh, to be sure; that is just what I knew. I said that the biggest saving was made in the nonmilitary activities. When I pin the Senator down he admits that it is in river and harbor items where the saving is made. Exactly. And I am informed that the Senate committee which the Senator from Pennsylvania controls raised the House figures in that regard.

Mr. GLENN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Illinois?

Mr. CONNALLY. I yield.

Mr. GLENN. If my memory serves me correctly, it was only a year or so ago, when the Army bill was before the Senate, that it was said that it was impossible to cut it, but the Senator from Pennsylvania says it is now cut by \$105,000,000.

Mr. CONNALLY. When?

Mr. GLENN. I say the chairman of the Committee on Military Affairs [Mr. REED] has just said that the Army appropriation bill carries \$105,000,000 less than the bill of last year. My recollection is that when the last Army appropriation bill was under consideration it was said very emphatically that it could not be cut at all.

Mr. CONNALLY. The Senator from Illinois simply corroborates and confirms the conclusion I have already reached.

The PRESIDING OFFICER. The time of the Senator from Texas on the pending amendment has expired.

Mr. CONNALLY. A parliamentary inquiry. Have I not some time on the bill?

The PRESIDING OFFICER. The Senator may be recognized on the bill.

Mr. CONNALLY. I merely wish to use five minutes on the bill.

The PRESIDING OFFICER. The Senator can not save his time. He is permitted to speak only once on the bill and once on an amendment.

Mr. CONNALLY. Then I reserve my right to speak on the bill later.

Mr. BRATTON. Mr. President, this attack in which the Senator from Pennsylvania and the Senator from Maine join is no surprise to any one; it was contemplated from the start. Every time it is sought to affect a service by reducing its cost those who champion the particular service urge economy somewhere else. The 5 per cent cut applied to the Navy is slightly more than \$15,000,000; the 5 per cent cut applied to the War Department is slightly more than \$17,000,000, or about \$32,000,000 in all.

The Senator from Pennsylvania and the Senator from Maine would have the country believe that that difference is the difference between safety and danger. They would have the country believe that a \$15,000,000 cut in the appropriations for the Navy and a \$17,000,000 cut in the appropriations for the Army would endanger the entire Nation and undermine self defense, and military preparedness. Mr. President, everybody knows that if an emergency should arise, such as the Senator from Pennsylvania and the Senator from Maine suggest, the nominal sum involved in the reductions in the two departments could be provided in a deficiency bill in two hours' time. Yet they will hold that up as a controlling reason why the Senate should refrain from touching the appropriations for the two departments involved.

Mr. HALE. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Maine?

Mr. BRATTON. Yes; I yield.

Mr. HALE. Does the Senator think if that amount were added to a deficiency bill it could be used at once, to remedy immediately some lack in the national defense? If he does, he is very wide of the mark.

Mr. BRATTON. Yes, Mr. President, in the judgment of the Senator from Maine anyone is wide of the mark whenever he suggests any reduction in the appropriations for the Navy. The Senator is sincere in that and no one criticizes him, but I have not any doubt at all that a 5 per cent cut in the naval appropriation bill would not endanger the Government. I would shrink from endangering the Government as quickly as would the Senator from Maine, and he would do so as quickly as I would; but the suggestion that a \$15,000,000 cut in a \$300,000,000 bill would undermine national safety and security is wholly untenable. Again and again, whenever retrenchment in expenditures is suggested, those who are particularly interested and enthusiastic about a given service argue repeatedly that we must economize, but not do it here.

Mr. HALE. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Mexico yield further to the Senator from Maine?

Mr. BRATTON. Just a moment. The Senator from Pennsylvania and the Senator from Maine suggest that this retrenchment should not be accomplished now but should wait until the incoming administration shall assume power; let it retrench. The solicitude of the two Senators for the incoming administration will challenge the attention of every Member of the Senate.

Mr. President, I entertain no doubt that a nominal cut of \$15,000,000 in one case and \$17,000,000 in the other can be borne without any sacrifice or danger to the two branches of the armed forces of the country.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Pennsylvania [Mr. REED] to the amendment proposed by the Senator from New Mexico [Mr. BRATTON].

Mr. WALSH of Massachusetts. Mr. President, in view of the question I propounded to the Senator from Pennsylvania a few moments ago, I have been making some inquiry about the situation with respect to the midshipmen at the Naval Academy at Annapolis. I find that there are in the graduating class 435 midshipmen and that under existing law only about 200 of them will be commissioned. That means that we have for four years been educating 200 or more midshipmen at the Naval Academy who will not be given commissions in the naval service. As the expense of educating each one of these young men is \$15,000 for the four years it means that we have expended \$3,000,000 upon these 200 young men who will not be inducted into the naval service.

Of the class of young men who will graduate in June of this year each of them has received each year out of the Public Treasury a salary of \$780. Therefore, 200 or more of them, in addition to being boarded and schooled at the expense of the Federal Government, have been paid \$780 a year, making an aggregate of \$624,000.

I submit these figures as indicating that there appears to be some opportunity for retrenchment in reducing the number of midshipmen at least at the Naval Academy, and also in reducing the number of officers assigned there and the number of civilian professors with paid salaries who are instructing these young men.

As I said before, I know nothing about the situation at the Military Academy at West Point, but it is not a very good picture to present to the American public of our efficiency or the efficiency of the Navy Department when we continue to burden the taxpayers of the Nation with this particular expense.

Mr. SWANSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Virginia?

Mr. WALSH of Massachusetts. I will yield in a moment.

If we are going into the business of providing higher education for our young men, well and good. As a member of the Board of Visitors to the Naval Academy a few years ago, I remember that a motion was actually made—and almost carried—that the Naval Academy be expanded to its full capacity and that we be permitted to send young men there to be educated at public expense, though they were never going to enter or become a part of the naval service. That is what we are doing without declaring so.

What right have we to use public funds for the higher education of any man unless he is to become a part of the naval or military forces of the United States? If we make a departure from that policy, then we have opened the flood-gates, and every young man in every State everywhere has a right to demand four years of education at the expense of the Federal Treasury, involving \$780 annual pay and a cost for his four years of education of \$15,000.

As I said before, I do not know the situation at the Military Academy at West Point. Perhaps the situation is different there; but it does seem to me that here is a field for investigation and inquiry into whether or not we shall be able to save some funds by reducing the number of students

at these institutions in view of the fact that they can not be commissioned.

Mr. SWANSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Virginia?

Mr. WALSH of Massachusetts. I yield to the Senator.

Mr. SWANSON. The Navy Department is not responsible for the number of appointees who are sent to the academy. It is Congress that is responsible. Congress gives each Senator and each Representative the privilege of sending so many appointees there. I think the Navy Department have recommended that the number be reduced, saying that they have more officers than they can give places to; but Congress refuses to reduce the number.

Mr. WALSH of Massachusetts. I used the word "we"; and the Senator knows that in the Committee on Naval Affairs I actually moved that we reduce the number, and have advocated and talked in the committee as I have here.

Mr. SWANSON. So far as that is concerned, that could not be done until Congress changed the law. Each Senator has so many appointments. Every Representative has so many appointments. It takes so much money to take care of them; it takes so many professors; and the law ought to be changed.

Mr. WALSH of Massachusetts. Then I will withdraw any insinuation that the Republican Navy Department is in any way responsible, and I will make the accusation that the Congress itself has been negligent and derelict in its duty to the public in maintaining upon its pay rolls and giving free education to young men whose services are not needed by the Government. Whatever justification could be urged in the past for these expenditures, present conditions no longer justify them.

Mr. FRAZIER. Mr. President, last year, when proposals were made to reduce the various appropriation bills, there was a great deal of sentiment for reduction, and they were reduced. When it came to the War and the Navy appropriations, however, great objection was raised against reducing those appropriations; and the same thing is true this year.

I note by the report of the Military Affairs Committee on this year's bill that they increased the House appropriation bill by \$1,660,630. It seems to me that if there is any place in the appropriations of the United States Government that should be cut down, where there is a chance to make a real saving, it is in the War and Navy Departments.

It was stated on the floor of the Senate a few minutes ago that we were appropriating more money for our Navy than any other country in peace times on the face of the globe. That is true. We are also appropriating more money for the War Department in peace times than any other nation on the face of the globe. We claim that we are trying to promote peace and bring about disarmament, and yet we are appropriating more money than any other nation on earth for war and navy purposes.

It seems to me that this amendment of the Senator from New Mexico should apply to the War and Navy Departments if it is going to apply to any department; and I hope the amendment of the Senator from Pennsylvania will be rejected.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Pennsylvania [Mr. REED] to the amendment of the Senator from New Mexico [Mr. BRATTON].

Mr. BRATTON. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BANKHEAD. I suggest the absence of a quorum.

Mr. McNARY. May the amendment be stated, please?

The PRESIDING OFFICER. The Senator from Alabama has suggested the absence of a quorum.

Mr. REED. May we not have the quorum call before the amendment is stated?

The PRESIDING OFFICER. That will be done.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Bankhead	Bingham	Borah
Austin	Barbour	Black	Bratton
Bailey	Barkley	Blaine	Brookhart

Bulkley	George	McGill	Smith
Bulow	Glass	McKellar	Smoot
Byrnes	Glenn	McNary	Steinwer
Capper	Goldsborough	Metcalf	Swanson
Caraway	Gore	Moses	Thomas, Idaho
Clark	Grammer	Neely	Townsend
Connally	Hale	Norris	Trammell
Coolidge	Harrison	Nye	Tydings
Copeland	Hastings	Oddie	Vandenberg
Costigan	Hatfield	Patterson	Wagner
Couzens	Hayden	Pittman	Walcott
Cutting	Hebert	Reed	Walsh, Mass.
Dale	Hull	Reynolds	Walsh, Mont.
Davis	Johnson	Robinson, Ark.	Watson
Dickinson	Kendrick	Robinson, Ind.	Wheeler
Dill	Keyes	Schall	White
Fess	La Follette	Schuyler	
Fletcher	Lewis	Sheppard	
Frazier	Logan	Shipstead	

Mr. NORRIS. I desire to announce the absence of my colleague, the junior Senator from Nebraska [Mr. HOWELL], on official business of the Senate.

The VICE PRESIDENT. Eighty-five Senators have answered to their names. A quorum is present. The yeas and nays have been ordered on the amendment of the Senator from Pennsylvania [Mr. REED], which will be stated.

The CHIEF CLERK. The Senator from Pennsylvania [Mr. REED] offers the following amendment to the amendment of the Senator from New Mexico [Mr. BRATTON]:

On page 1, line 2, strike out the words "and directed," and insert:

and, except in the case of the War Department and the Navy Department, is directed—

So that, if amended, the amendment will read:

The head of each executive department and independent establishment is authorized and, except in the case of the War Department and the Navy Department, is directed to make such reductions in the expenditures—

And so forth.

The VICE PRESIDENT. On this amendment the yeas and nays have been ordered. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. BRATTON (when his name was called). I transfer my pair with the Senator from Nebraska [Mr. HOWELL] to the Senator from Louisiana [Mr. BROUSSARD], and will vote. I vote "nay."

Mrs. CARAWAY (when her name was called). On this question I have a general pair with the senior Senator from New Jersey [Mr. KEAN]. Not knowing how he would vote, I withhold my vote.

Mr. HATFIELD (when his name was called). I have a general pair with the senior Senator from Oklahoma [Mr. THOMAS]. He being absent, and not knowing how he would vote, I withhold my vote. If at liberty to vote I should vote "yea."

The roll call was concluded.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Wyoming [Mr. CAREY] with the Senator from Louisiana [Mr. LONG];

The Senator from California [Mr. SHORTRIDGE] with the Senator from Mississippi [Mr. STEPHENS]; and

The Senator from South Dakota [Mr. NORBECK] with the Senator from Utah [Mr. KING].

The result was announced—Yeas 34, nays 47, as follows:

YEAS—34

Austin	Hale	Metcalf	Swanson
Bailey	Hastings	Moses	Thomas, Idaho
Barbour	Hayden	Oddie	Townsend
Bingham	Hebert	Pittman	Wagner
Copeland	Johnson	Reed	Walcott
Davis	Kendrick	Robinson, Ind.	Watson
Fletcher	Keyes	Schall	White
Goldsborough	Lewis	Schuyler	
Grammer	Logan	Smith	

NAYS—47

Ashurst	Byrnes	Dickinson	Hull
Bankhead	Capper	Dill	La Follette
Barkley	Clark	Fess	McGill
Blaine	Connally	Frazier	McKellar
Borah	Coolidge	George	McNary
Bratton	Costigan	Glass	Neely
Brookhart	Couzens	Glenn	Norris
Bulkley	Cutting	Gore	Nye
Bulow	Dale	Harrison	Patterson

Reynolds	Shipstead	Tydings	Walsh, Mont.
Robinson, Ark.	Smoot	Vandenberg	Wheeler
Sheppard	Stelwer	Walsh, Mass.	

NOT VOTING—15

Black	Hatfield	Long	Stephens
Broussard	Howell	Norbeck	Thomas, Okla.
Caraway	Kean	Russell	Trammell
Carey	King	Shortridge	

So Mr. REED's amendment to Mr. BRATTON's amendment was rejected.

The VICE PRESIDENT. The question now is on agreeing to the amendment offered by the senior Senator from New Mexico [Mr. BRATTON] as amended.

Mr. BRATTON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BRATTON (when his name was called). I transfer my pair with the junior Senator from Nebraska [Mr. HOWELL] to the junior Senator from Utah [Mr. KING], and vote "yea."

Mrs. CARAWAY (when her name was called). I have a general pair with the senior Senator from New Jersey [Mr. KEAN]. I do not know how that Senator would vote if present. If I were voting, I would vote "yea."

Mr. HATFIELD (when his name was called). Repeating my previous announcement respecting my general pair with the senior Senator from Oklahoma [Mr. THOMAS], I withhold my vote.

Mr. NORRIS (when Mr. HOWELL's name was called). I desire to announce the absence of my colleague, the junior Senator from Nebraska [Mr. HOWELL] on official business of the Senate. I ask that this announcement may stand for the day, and be included with each roll call.

The roll call was concluded.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Wyoming [Mr. CAREY] with the Senator from Louisiana [Mr. LONG];

The Senator from California [Mr. SHORTRIDGE] with the Senator from Mississippi [Mr. STEPHENS]; and

The Senator from South Dakota [Mr. NORBECK] with the Senator from Louisiana [Mr. BROUSSARD].

The result was announced—yeas 50, nays 33, as follows:

YEAS—50

Austin	Connally	Harrison	Sheppard
Bailey	Coolidge	Hastings	Smith
Bankhead	Cutting	Hebert	Swanson
Barbour	Dickinson	Hull	Thomas, Idaho
Barkley	Dill	Kendrick	Trammell
Black	Fess	Lewis	Tydings
Borah	Fletcher	Logan	Vandenberg
Bratton	Frazier	McKellar	Wagner
Bulkley	George	Norris	Walsh, Mass.
Bulow	Glass	Nye	Walsh, Mont.
Byrnes	Glenn	Patterson	White
Capper	Goldsborough	Pittman	
Clark	Gore	Robinson, Ark.	

NAYS—33

Ashurst	Grammer	Moses	Smoot
Bingham	Hale	Neely	Steinwer
Blaine	Hayden	Oddie	Townsend
Brookhart	Johnson	Reed	Walcott
Copeland	Keyes	Reynolds	Watson
Costigan	La Follette	Robinson, Ind.	Wheeler
Couzens	McGill	Schall	
Dale	McNary	Schuyler	
Davis	Metcalf	Shipstead	

NOT VOTING—13

Broussard	Howell	Long	Shortridge
Caraway	Kean	Norbeck	Stephens
Carey	King	Russell	Thomas, Okla.
Hatfield			

So Mr. BRATTON's amendment, as amended, was agreed to, as follows:

On page 82, after line 21, to insert a new section, as follows:

"SEC. —. The head of each executive department and independent establishment is authorized and directed to make such reductions in the expenditures from the appropriations made by the regular annual appropriations act for the several purposes of his department or establishment for the fiscal year ending June 30, 1934 (except, in the case of the Treasury Department, appropriations for acquisition of sites for and construction of public buildings and the appropriation for addition to the cumulative sinking fund pursuant to section 308 of the emergency relief and construction act of 1932), as will in the aggregate equal at least

5 per cent of the total amount so appropriated for his department or establishment for such year (excluding, in the case of the Treasury Department, the appropriations specified above). Such reductions shall be made in a manner calculated to bring about the greatest economy in expenditures consistent with the efficiency of the service. In making any reductions in expenditures provided for in this section no wage cuts, other reduced compensations, or furloughs shall be ordered."

Mr. BINGHAM. Mr. President, I ask that the clerk now report the amendment on page 69, lines 20 to 24, and lines 1 to 3, on page 70.

The VICE PRESIDENT. The clerk will report the amendment.

The CHIEF CLERK. On page 69, after line 19, the committee proposes to insert the following:

(1) Section 101 is amended by adding at the end thereof the following new subsection:

"(d) The rate of compensation of each officer and employee to whom subsection (a) or (b) applies shall be reduced by 1½ per cent."

And section 101 (c) is amended by striking out "subsections (a) and (b)" and inserting in lieu thereof "subsections (a), (b), and (d)."

Mr. BINGHAM. Mr. President, we have estimated that this provision will save \$17,832,000. Since the Costigan amendment to the Bratton amendment was agreed to, and the Bratton amendment as amended was agreed to, no additional pay cut is provided. In fact, any additional pay cut is forbidden under the Costigan amendment. Therefore the committee feels that this amendment should be agreed to, increasing the pay cut from 8½ per cent to 10 per cent. If it should be agreed to, it would mean that all salaries from the Government of \$12,000 and under would be cut at the rate of 10 per cent, although if it is agreed to, there will be another section providing a straight pay cut. This applies only to those who now have the furlough.

Mr. COSTIGAN. Mr. President, may I ask the Senator from Connecticut to state once more the effect of the proposed amendment?

Mr. BINGHAM. The effect of the proposed amendment, as I stated the other day, would be in lieu of the President's suggestion in his Budget message that, in addition to the furlough, there be a pay cut of 11 per cent. The committee unanimously recommended an additional pay cut of 1½ per cent.

The argument against this amendment the other day, advanced by the Senator from Colorado, if I remember correctly, was that unless his amendment were agreed to, and the amendment of the Senator from New Mexico were agreed to, the total cut might add up to some 17 per cent. But since the amendment of the Senator from Colorado has been agreed to, and no additional pay cuts are provided, this would only mean an additional pay cut of 1½ per cent. Nevertheless, the saving would be about \$17,800,000.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. BINGHAM. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mrs. CARAWAY (when her name was called). Making the same announcement as before, I withhold my vote. If I were allowed to vote, I would vote "nay."

Mr. HATFIELD (when his name was called). Again announcing my pair with the senior Senator from Oklahoma [Mr. THOMAS], I withhold my vote. If permitted to vote, I would vote "nay."

The roll call was concluded.

Mr. BRATTON. Transferring my pair with the junior Senator from Nebraska [Mr. HOWELL] to the junior Senator from Utah [Mr. KING], I vote "yea."

Mr. GLENN (after having voted in the affirmative). I am informed that the senior Senator from Virginia [Mr. SWANSON], with whom I have a general pair, has not voted. Therefore, I withdraw my vote.

Mr. HATFIELD. I am informed that my general pair the Senator from Oklahoma [Mr. THOMAS] would vote as I am about to vote, and I, therefore, am at liberty to vote. I vote "nay."

Mr. NORRIS. I desire to announce the absence of my colleague the junior Senator from Nebraska [Mr. HOWELL] on official business of the Senate. I ask that this announcement may stand for the day and be included with each roll call.

Mr. FESS. I wish to announce the following general pairs:

The Senator from Wyoming [Mr. CAREY] with the junior Senator from Louisiana [Mr. LONG];

The Senator from California [Mr. SHORTRIDGE] with the Senator from Mississippi [Mr. STEPHENS]; and

The Senator from South Dakota [Mr. NORBECK] with the senior Senator from Louisiana [Mr. BROUSSARD].

The result was announced—yeas 39, nays 44.

YEAS—39

Bailey	Fess	Hebert	Smoot
Bankhead	Fletcher	Hull	Steiwer
Barkley	George	Kendrick	Thomas, Idaho
Bingham	Glass	McKellar	Trammell
Borah	Goldsborough	Metcalf	Tydings
Bratton	Gore	Moses	Vandenberg
Byrnes	Grammer	Norris	Walcott
Clark	Hale	Patterson	Walsh, Mont.
Connally	Harrison	Robinson, Ark.	Watson
Dickinson	Hastings	Sheppard	

NAYS—44

Ashurst	Costigan	La Follette	Robinson, Ind.
Austin	Couzens	Lewis	Russell
Barbour	Cutting	Logan	Schall
Black	Dale	McGill	Schuyler
Blaine	Davis	McNary	Shipstead
Brookhart	Dill	Neely	Smith
Bulkeley	Frazier	Nye	Townsend
Bulow	Hatfield	Oddie	Wagner
Capper	Hayden	Pittman	Walsh, Mass.
Coolidge	Johnson	Reed	Wheeler
Copeland	Keyes	Reynolds	White

NOT VOTING—13

Broussard	Howell	Long	Stephens
Caraway	Kean	Norbeck	Swanson
Carey	King	Shortridge	Thomas, Okla.
Glenn			

So the amendment was rejected.

REMOVAL OF SERGEANT AT ARMS DAVID S. BARRY

Mr. NORRIS. Mr. President, on behalf of and under instructions from the Committee on the Judiciary, I rise to submit a privileged report.

The Committee on the Judiciary have had under consideration the matter which the Senate referred to them regarding what action, if any, should be taken upon the case of the Sergeant at Arms for the writing of an article published in the February issue of the New Outlook. After due consideration the committee have directed me to report to the Senate that we recommend to the Senate the adoption of the resolution which I send to the desk.

The VICE PRESIDENT. Let it be read for the information of the Senate.

The Chief Clerk read the resolution (S. Res. 352), as follows:

Resolved, That David S. Barry be, and he is hereby, removed from the office of Sergeant at Arms and Doorkeeper of the Senate.

Mr. NORRIS. Mr. President, on behalf of the Committee on the Judiciary, I move the adoption of the resolution. I believe upon this motion we ought to have the yeas and nays, and therefore I ask for them.

The yeas and nays were ordered.

Mr. LOGAN. Mr. President, is the resolution open to discussion?

The VICE PRESIDENT. It is.

Mr. LOGAN. Then if I have that privilege, I desire to say a few words upon it.

Probably no one will agree with me about this matter, but I do not know that that makes any difference. In the first place, I doubt that the Senate has any right to adopt the proceeding or take the steps which it has taken. I do not know where the Senate gets the authority to do this. It is true I have not made an investigation of the matter. I have not had time to do so.

Down in my State if some organization should proceed in the way we are proceeding here we would call it mob law. It is a very sacred right that a man has to be heard when

he is charged with a crime or when he is charged with a violation of any law, whether it amounts to a crime or not.

Here is a man with a lifetime of honorable service behind him. It appears to be admitted that he has no black mark against his character. We are preparing, almost without discussion, almost without a hearing, to enter a death sentence, as it were, against him, because it is better, probably, to take the life of a man than to take his good name.

I am frank to confess that after having read the article I do not place the construction upon it that has been placed upon it by many of the Senators. He was tried, it is true, without any charge being made against him; in fact, no charge has ever been made against him yet. There has been no orderly procedure of any kind. It seems to me that if he had transgressed the rules of the Senate or if he had done anything which subjected him to be dealt with by the Senate and if the Senate had the power to deal with him, the first thing would have been to prepare and submit charges.

But that was not done. The senior Senator from Indiana [Mr. Watson] came into the Chamber and read a paragraph from an article and then Mr. Barry was sent for and put on trial without an opportunity to think, without an opportunity to employ counsel until after he was in here. Then it was said, "If you want to get somebody to advise you, of course, you may do so." But what chance did he have, an old man with 96 angry Senators lined up against him?

It seems to me that if we expected to proceed against him, probably we should have proceeded by impeachment. It is the general rule of law, as I understand it, that where a man is elected to office for a fixed time the power that elects him has no right, unless it is specifically given by law, to remove him at will. I do not know whether the law gives the Senate the right to remove one of its officers at will or not. I do know the Constitution gives no such right. I know we have the right to proceed against our own Members and, if two-thirds concur, we may expel a Member. But there is no such authority in the Constitution to proceed against an officer of the Senate; at least, if there is, I do not know anything about it.

Frankly speaking, every citizen, however humble he may be, and although he may have been an employee of this great body, has the right to be heard and generally, before the appointing power may remove him, unless there be specific power in the law, a court must determine that he has violated some law; a court must determine that there are reasons for his removal.

Here we sit as a jury, a jury that has been offended. In the civil courts or in the criminal courts of this Nation I undertake to say that none of us would be qualified to sit on the jury to hear the charges. But we are sitting to try the man that we say has libeled us or slandered us in some way. He has not libeled me. He did not mean me.

I want it thoroughly understood that I do not believe if I should place the construction on the language that some Senators have placed on it that I would say what I am saying, but I do not believe that Mr. Barry meant to charge that any Member of the Senate or any Member of the House or any Member of the present Congress was corrupt. I do not think that the language which he used is susceptible of that construction. It is true we brought him here before the Senate and cross-examined him. It reminds me somewhat of a hare with the hounds after him—dozens of hounds and one poor little innocent hare. Of course, he did not know what to say. But we have read the article. Let me call attention to it, if I may briefly, and then tell the Senate what I think about it and what I think is a reasonable construction of all that Mr. Barry has said.

I am glad that I do not think my reputation so frail as to be damaged because some one makes a suggestion such as is found in this article. Let us examine it just for a moment. Here is a man trying to defend the Congress of the United States against the very charges that are in the

minds of the public everywhere, because, I regret to say, that the public seems now to believe that all public officials are crooked. It is an unfortunate thing; it is a sign of the decay of our Republic.

Here is a man who knows what public opinion is; who knows that men and women from one end of this country to the other are saying that the Congress of the United States is corrupt. We receive letters almost every day from our constituents, some of whom probably we do not know, in which they suggest that all public officials, from the President down to the humblest officer of the United States, are susceptible to improper influences. Any man knows that to be a more or less widespread sentiment, unless, perchance, he has been in the Senate so long that he has forgotten what the public thinks.

Now, what did Mr. Barry say?

Contrary, perhaps, to the popular belief, there are not many crooks in Congress; that is, out-and-out grafters, or those who are willing to be such. There are not many Senators or Representatives who sell their vote for money, and it is pretty well known who those few are; but there are many demagogues—

Do we really believe that Mr. Barry when he wrote that had in mind the Members of the present Congress of the United States? I do not. He was looking at Congressmen as a class, from the beginning of this Government down to the present time, looking at them as they passed before his vision. It was true he was writing in the present tense, but if you have not forgotten, Mr. President, under the old rules of rhetoric which you learned when you went to school in the old days, that is permissible. The vision rises before him of a long list of Congressmen, and he says contrary to popular opinion, they are a very few—"not many," he says—Representatives or Senators who sell their votes for money. He says "a few." If we go back in the history of our Nation I dare say that we will find that his statement is literally true, if he will look at it in that way. I think in the old days that men have been expelled from the Congress because they sold their votes for money. I am not sure about it; I have not looked up anything; I had little thought of saying anything; but it arouses all the indignation that I have when I see the greatest body in the world carried off its feet because they say, perchance, some clerk or sergeant at arms has libeled its Members. I remember back in the old days the Crédit Mobilier scandal. It seems to me that some were convicted and removed from office, and that others resigned.

I suppose from time to time in all legislative bodies, from the days of the old Roman Senate down to the present, that there have been occasionally men who sold their votes. I do not believe that there is any such man in this body; I do not believe there is any such man in this Congress, and I do not believe that Mr. Barry had any intention of saying there were; but I dare say that there are none of us, Mr. President, who would be willing to say that there is no such man among the 531. We may say that we do not know that there is any such man, and that we do not believe there is any such man, but if we consider the past and judge the present by the things that have happened in the past, we would hesitate before we would underwrite the statement that there are no such men. I do not think there are, and I am glad that I do not think so, but I would not remove a man from office in his old age when he has done nothing more than to call the attention of the American public to the fact that there are not many corrupt men in Congress, when the public thinks all of them are corrupt. That is the gist of it all.

If you say, Mr. President, he referred to this Congress, what are you going to do with the remainder of the article, because I believe it is a rule announced by the courts—and it is a safe rule—that one can not pick out a certain sentence from its context and judge the whole by that particular sentence; it is necessary to take the whole paper. Immediately after what I have quoted, he goes right at once into a discussion of demagogues and demagoguery.

He says:

But there are many demagogues of the kind—

In this he is writing in the present tense—

that will vote for legislation solely because they think it will help their political and social fortunes.

Then what does he do? He goes back and refers to the amendment for the election of United States Senators by direct vote of the people. Did this Congress pass on that amendment? No. We had just as well say that he was referring to this Congress when he said there were demagogues that voted to submit that amendment. I do not think he was. I favored that amendment and would have voted for it if the opportunity had been afforded.

Then he refers to the woman's suffrage amendment and the eighteenth amendment, writing in the present tense about all of them, and saying there were demagogues who voted for them. We very well know, however, that he was not referring to the present Congress. Neither do I believe he was referring to the present Congress when he said there were not many who sold their votes.

It is difficult to get a group of 531 men elected by all classes of people and to have all of them entirely above suspicion. Jesus Christ attempted to select 12 disciples. After a very thorough examination and after having spent two years with them, he selected 12, but he found 1 in that number—and he was the best business man in the group and was elected treasurer of the little band—who turned out to be a man who was willing to accept a bribe.

According to the view of some Senators Mr. Barry was referring to the present Senate; but even assuming that he was referring to the present Senate, do you think, Mr. President, that we ought to disgrace him and whip him out of the Senate with whips of scorpions because he said that there are not many Members of the Congress who would sell their votes or because he held the opinion that among 531 perchance there might be one who would sell his vote for money, or there might be two? Senators may take action of that kind if they want to; they have the power—I take it for granted that they are going to do it—but I want to proclaim here and now, in the RECORD so that everyone may know, that I can not indorse their action in removing him because of the article which he has written; and, although I may stand alone, I shall vote "no" when the vote is taken on the resolution.

Mr. NORRIS. Mr. President, to begin with, all the Senators heard the testimony of Mr. Barry taken in open Senate last Friday. The Senate at that time voted to refer the matter to the Judiciary Committee and that in the meantime Mr. Barry should stand suspended from office. The Judiciary Committee again heard Mr. Barry testify. On his own request he came before the committee and testified yesterday and to-day. Two witnesses were called after he had finished because of references he had made to those gentlemen in defense of what he had said. Let me say that he was heard at length. He was not refused permission to make any statement he saw fit; he used his own time before the committee. There was no such thing as urgency. Never once has Mr. Barry, or anyone in his behalf, asked for further time, notwithstanding the Senator from Kentucky says that this matter was rushed through. From the time he plead guilty to the charges—

Mr. LOGAN. Mr. President—

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Kentucky?

Mr. NORRIS. I yield.

Mr. LOGAN. He plead guilty, as I understand, to having written the article, but did he plead guilty to the construction which the Judiciary Committee have placed upon his language?

Mr. NORRIS. No; he plead guilty to having written the article; and now the Judiciary Committee—as, I take it, the Senate did last Friday—has put its own construction upon the article, and I think the only construction that can be put on it, although in saying that I have to disagree with the eminent Senator from Kentucky, who seems to put a

different construction on it. I want to say further that the construction he is trying to place on it now, that Mr. Barry had reference to some past conduct, is not the construction that Mr. Barry himself placed upon the article.

Mr. LOGAN. Mr. President—

Mr. NORRIS. At no time either in his testimony here or before the Judiciary Committee did Mr. Barry for himself ever claim that kind of a construction. He referred in all his testimony to the present existing Congress. So that it seems to me that it is rather far-fetched for somebody else now to try to put a construction on these words that, in the first place, they will not bear, and, in the second place, a construction that Mr. Barry himself has never put upon them. I now yield further to the Senator from Kentucky.

Mr. LOGAN. Is it not true that Mr. Barry last Friday tried to explain that he meant something else, but Senators would not allow it? And is it not true that the Senator said he was guilty, that he had plead guilty, and would not listen to any explanation that Mr. Barry might offer?

Mr. NORRIS. No; we did listen to every explanation that he had to make. He had unlimited time; he has never for a moment protested that he has not had all the time he wanted, and no one suggested a limitation. He did say in the Senate, and he said before the committee, that he thought he was defending the Senate. That is a construction that in my judgment and in the judgment of the committee—in fact, I think, in the judgment of every fair, unbiased mind—the language will not sustain.

Mr. LOGAN. Mr. President—

Mr. NORRIS. I will yield in just a moment; I myself want to say a few words.

The construction the Senator would now place upon the article, that Mr. Barry was defending the Senate, is not borne out by the article itself. The Senator himself says, in giving a construction to a part of the article, that we ought to consider all the article. Do that in this case, and from beginning to end we find that it is a condemnation of Congress; there is not one single word of defense. In the very next sentence, after the one quoted in which he charged some of the Senators sold their votes for money, he said:

There are not many Senators or Representatives who sell their votes for money, and it is pretty well known who those few are; but there are many demagogues of the kind that will vote for legislation solely because they think that it will help their political and social fortunes.

And then he goes on to use this language:

This is what passed the constitutional amendment providing for the popular election of Senators, it is what passed the amendment giving suffrage to women, it is what passed the prohibition amendment, and it is what has made possible the almost successful attempt to hang the bonus on the American taxpayers.

That is, demagogues. Is that a defense of the Senate? Can we give any construction of that kind by reading the balance of the article? All the way through it is critical.

I concede that Mr. Barry had a right to criticize the Senate. I am not finding fault because he did that; but in the first sentence he says there are some of us who are crooks, that we sell our votes for money, and he says those few are well known.

Mr. LOGAN. Mr. President—

Mr. NORRIS. We gave him an opportunity here and he had another opportunity before the Judiciary Committee to tell who they were. He could have cleared his skirts completely if he had named the Senators and investigation had shown that they were selling their votes for money. That is one of the things the Judiciary Committee and the Senate wanted him to tell; but he not only did not tell it, but he said flatly that he had no evidence of anyone selling his vote, either in the Senate or in the House.

Mr. Barry is different from an outsider, Senators. I can conceive of a newspaper making the same charge and our not paying any attention to it. He, however, is an employee of the Senate, elected by the Senate by ballot, by roll-call vote, to serve the Senate as its Sergeant at Arms. He has access to the floor of the Senate, the same as a Senator. When such an officer, one of the highest officers of the

Senate, said to the world, "There are crooks in Congress; they sell their votes for money, but there are not very many of them; the balance of them are just demagogues," it would be a stretch of reason and logic to say that such language was a defense of the Senate or the House. Even though the writer said it was, that does not make it so.

Here we have, then, an officer of the Senate. The question is raised by the Senator from Kentucky [Mr. LOGAN] whether we have a right to remove him from office. I think our right is so evident that I am not going to go into any detail to discuss it. We elected him. We have the right to remove him, with reason if we want to, or without reason if we choose. We have the supreme right to remove him. In this case we went to the precaution—which, to my mind, was unnecessary after he had, in effect, plead guilty—of referring the matter to the Judiciary Committee; and when it was referred to the Judiciary Committee, Mr. Barry was notified when we were going to meet and asked if he wanted to appear before the committee. He said he did. He appeared, was sworn, and presented a carefully compiled and written statement in which he went over practically the same ground that he did when he was before the Senate on last Friday. Then he was questioned by the members of the committee, and at no place did he deny that he wrote the words that we complained of. At no place did he claim that any change was made.

You know, there was some intimation of that kind here. Senators said that perhaps the language was changed; but at the direction of the committee Mr. Barry secured the copy that he retained when he wrote the article, and the copy was identical with the printed article as far as these words were concerned. The publishing company had taken out two or three paragraphs at the beginning of the article; and when you read the record taken before the committee, you will find just what they were, where they were placed. As is conceded even by Mr. Barry himself, they in no way modified or changed the meaning of the words that were left in the article. So he is admitting that they were printed just word for word as he wrote them; and incidentally, he got \$250 for doing it. That, I think, is proper to take into consideration.

The question raised by the Senator from Kentucky is, Have we any right to remove Mr. Barry? I think it is so self-evident that we have that I am not even going to answer it. We have the right to remove any officer of the Senate that we elect. If we have not, then the Senate has no authority on earth to purge itself of any improper or dishonorable employee.

What position would we be in if we did not take notice of this? Then it would be heralded all over the country, "Why, here is a man who by his very office is entitled to go into the secret sessions of the Senate. He is entitled to the privilege of the floor of the Senate. He is its principal officer. He says the Senators are crooks, and they do not do anything about it. They have confessed that they are crooks." Would not that be the logic of it, and would not that be heralded from one end of the country to the other?

So in self-defense, in defense of its honor and its integrity, it seems to me the Senate can do no less than to remove from office such an unworthy employee.

SEVERAL SENATORS. Vote! Vote!

Mr. GLENN. Mr. President, it seems to me this is a matter of such importance that a little of the time of the Senate may be devoted to a discussion of it, when so much time has been wasted at this session in the discussion of things of less importance.

I have not been present in the Senate for the past two or three days, and was not here when the Sergeant at Arms of the Senate came before this honorable body. It may be that I am not as thoroughly familiar with this situation as I should be in order to discuss it fully and intelligently before this body, but there are some things which appeal to me and which I desire to present rather briefly.

I do not challenge the right of the Senate to remove any of its officers or employees. I do not make that point. It

may be well taken, but I shall not press it. But as I look about the circumstances and the conditions under which this article was written, and the time in which it was written, I see this Capitol and those in it not in the ordinary, usual routine of affairs in the body and in the country and in the Capital of the Nation; but I find those here, employees and Members and officers of the Senate, in an unusual and extraordinary situation and in an unusual and extraordinary frame of mind; not in a normal but in an abnormal frame of mind.

It has been stated to me by veterans in this body that in all their long and useful years of service they have never experienced a time so critical, so full of trial, so full of stress, so full of strain as the present session. It was largely true at the last session of the Congress, but it has been a growing condition and a growing strain. I feel that that abnormal situation is not confined to the Members of the Senate but that it reaches all who are intimately connected with this body.

So I see this organization and all its officials and all its employees under severe strain, perhaps not normal; and I see everywhere a spirit of criticism, not only among the officials of the body and its employees but in the public press, in the newspapers, in the magazines, in written and published books, and in the spoken word in person, and on the air throughout the country. Everywhere, for months and months and months, there has been a growing spirit of criticism, of abuse, of exaggeration, of vituperation, of condemnation; and if we are ourselves to condemn and convict all who criticize the Members of this body, there will not be many people left in the United States unscathed.

Mr. NORRIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Nebraska?

Mr. GLENN. I yield.

Mr. NORRIS. Does not the Senator draw a distinction between those who are employees of the Senate and outsiders?

Mr. GLENN. I draw a distinction; yes. I think it is a more serious offense in a way. I think the officials of this body owe it a duty, of course, and I think there has been a violation of that duty here; but I am seeking, if I may, to draw a picture of some of the circumstances surrounding it.

Mr. Barry is not alone in this thing which he has done. Everywhere we see it, from the press gallery and elsewhere. What do we see in the newspapers every day when we pick them up? What is it? Condemnation, abuse, attacks.

Mr. FESS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Ohio?

Mr. GLENN. Yes.

Mr. FESS. In that connection, will the Senator allow me to read just one paragraph from a great newspaper and from a very distinguished correspondent?

Mr. GLENN. I shall gladly yield.

Mr. FESS. Speaking of this general attitude of the country and in Washington, he says:

They undoubtedly account for the ferocity with which some of them—

Meaning the Senators—

joined in the attempt to tear the aged and unfortunate Mr. David Barry limb from limb on Friday, and will be satisfied with nothing short of his heart's blood to-morrow.

Mr. GLENN. What paper is the Senator reading from?

Mr. FESS. I could hardly call that an irresponsible utterance, because it is from a very responsible paper. It is from the Baltimore Sun, and it is from one of the distinguished writers of the Sun; but it is an expression of what the Senator is now stating, and that is the stuff that is being read all over the country.

Mr. GLENN. I thank the Senator from Ohio.

Mr. NORRIS. Mr. President, may I interrupt the Senator there?

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Nebraska?

Mr. GLENN. I do.

Mr. NORRIS. Does the Senator from Illinois think, or can the Senator from Ohio think, that because outsiders are making charges that the Senator himself admits to be untrue, we should follow along in that disreputable path and forgive falsehoods stated to the public on the part of our own employees?

Mr. GLENN. Mr. President, to be frank with the Senator from Nebraska, I can not distinguish very materially between attacking a Member of a body of this kind, as has been done in the present instance, and the privilege which is exercised almost every day in committee rooms of the Senate of the United States, when a witness is called there, of browbeating him, accusing him, attacking him as he sits there, called in response to a subpoena, perhaps, or summons of the Senate, without counsel, without advice, frequently, I take it, without much excuse or much basis for the attacks made upon that helpless witness. I do not distinguish in my mind, perhaps through lack of acuteness, between the attacks made upon this body and the attacks made in this body on the floor, day after day, by Members of this body, distinguished Members of this body—making no personal reference, now, to any individual Senator, for I have none in mind—attacking, abusing, condemning, blackening people's names and reputations, knowing that the next morning upon the front pages of the responsible newspapers of this country the charges, unsustained, will be broadcast to the world.

What is the difference in the character, in the thought, in the mind, in the thinking process between this man and us men, using the word "us" in the plural, because I am not seeking to point out or indicate anyone in particular—who make those baseless attacks upon responsible men in the United States? We all know it is done here every day.

We here, ah, we, the mighty Members of the Senate, sometimes, I think, make those charges to the press, to the galleries, to the world, knowing we have thrown about us the mantle of immunity from prosecution, yes, criminal prosecution, or from responding in civil damages to those who may be grievously wronged by our baseless charges. What is the difference between us and this man we will send out into the world in his old age condemned? He has no mantle of immunity to throw about his shoulders. We have. We can do those things, and we do do those things.

Yes, Mr. President; it is an age of criticism, it is an age of abuse, it is an age of condemnation, and, strange as it may seem, it has always been true that those who are most prone to charge and condemn and damn others are the first to cry out when the slightest charge is made, made by any construction, to be cast against their stainless characters.

Mr. COUZENS. Mr. President, I should like to remind the Senator that the rules of the Senate do not permit us to charge each other with misconduct even if we know it exists.

Mr. GLENN. But we can charge anybody else except ourselves.

Mr. COUZENS. That is true.

Mr. GLENN. We seem to be careful about each other. We protect each other by the rule, but everyone else in the United States we can attack, we can condemn, we can abuse, free from any possibility of response.

Mr. NORRIS. Mr. President, I think the Senator is giving an illustration now showing that his statement is not correct. He is making a charge now that Senators are wrongfully, without reason and falsely, charging great men who come before the committees, and shielding ourselves, so that the Senator is violating the very rule now to which the Senator from Michigan has called his attention.

Mr. COUZENS. Mr. President, will the Senator yield to me?

Mr. GLENN. I believe I would be able to substantiate the charge that witnesses before committees have been browbeaten and attacked most viciously, and I do not believe many members of important committees will deny that that has been done.

Mr. COUZENS and Mr. BARKLEY addressed the Chair. The VICE PRESIDENT. Does the Senator from Illinois yield, and, if so, to whom?

Mr. GLENN. I yield to the Senator from Michigan.

Mr. COUZENS. I want to substantiate what the Senator from Illinois has said about the treatment of witnesses in committees. When the Senator from Illinois made his statement, in connection with which I called attention to the individual rules of the Senate, I might have remarked that the rules of the Senate do not apply to the Senate as a body, but rather to individuals, and the Senator from Nebraska does not cover the field by his statement just made.

Mr. GLENN. I thank the Senator from Michigan. I know the Senator from Michigan does not make his statement loosely. He is chairman of an important committee, one of the most important committees of this body, and is a member of other most important committees, and knows whereof he speaks.

I yield to the Senator from Kentucky.

Mr. BARKLEY. Mr. President, I understood the Senator a moment ago to say that Members of this body have been guilty, and are frequently guilty, of making charges similar to those made by the Sergeant at Arms in his article, but that we hide behind the cloak of immunity. Does the Senator think that if a Member of this body should on this floor, or outside of this Chamber, say that there are some Members who sell their votes for money and that they are well known, such a Senator would escape being called either before the Senate, or a committee of it, to tell who those Members were or to submit some proof of his charge?

Mr. GLENN. I tried to make it clear a moment ago that we look after each other here in this body.

[Demonstrations of laughter among the occupants of the galleries.]

The VICE PRESIDENT. There must be no demonstrations in the galleries.

Mr. GLENN. Mr. President, I have said this is an age of criticism and condemnation. Everywhere the best sellers are books making attacks upon everyone in official life in Washington, published here, widely read. I do not approve of them. Responsible and leading newspapers of the country often do not give publicity to the great constructive work which is done here—and much great constructive work is done, we all know; a thing I say without boasting, because I take credit for none of it. But I do know men in this body who have lived their lives in public service, studiously, diligently at work in the interest of their country, who never see their names in the headlines. Let some one attack another, however, make a charge against somebody, investigate somebody, and the great newspapers of the land, conservative newspapers, if you please, will blazen it all over the headlines everywhere. I suppose they give their readers what their readers want, so I do not condemn the press for that.

Mr. President, this man is not alone in this thing. It is reasonable to believe that the spirit of which I have spoken might reach him in this time. It is reasonable to believe that he might have lost his head and done this thing unthoughtedly. He should have known better. He should have known, from the selfish aspect alone, that it was unwise; but he evidently did it without sober, careful thinking.

Mr. President, I do not want to bring politics into this matter, but in every great presidential campaign every great candidate of every great party for the last 100 years has been viciously attacked, and we in the Senate have not been free from being participants in that abuse. That applies to the other side of this Chamber as well as to this, and to this side as well as to the other.

The great Cleveland was maligned, abused, condemned, attacked. The great Wilson was abused as almost no one else in the history of the Nation has been abused. One man after the other has had that experience, until in the last campaign the President of the United States was systematically, thoroughly abused, condemned, criticized, de-

stroyed, in the minds of the people, nothing as affecting the individual, but something as tearing down the greatest office in this country, or in the world.

Talk about destroying respect for the Senate of the United States; we are soon, perhaps, to oust this man for doing a thing because it is said it tends to lower and degrade this body in the public mind, and yet a few months ago, up and down this land everywhere, went on this condemnation, this criticism, this abuse of the Presidency of the United States, the President being accused as a grafter, accused as a swindler, accused as one thing and the other thing, systematically and thoroughly and for hire.

Mr. President, I hope and I trust that as the incoming administration draws to its close, no matter what its record may be, the people of the United States will look back and ponder and reflect upon the fact that the man holding the position of President holds the most exalted position in the world, and that they who seek to tear him down seek to tear down and destroy the very fabric of our Government.

Mr. CUTTING and Mr. WHITE addressed the Chair.

The VICE PRESIDENT. Does the Senator from Illinois yield; and if so, to whom?

Mr. GLENN. I yield first to my colleague and neighbor who sits by my side.

Mr. CUTTING. The Senator is speaking of criticism made in the campaign just closed concerning the President of the United States. If those criticisms had been made by one of the President's personal secretaries, or one of his employees, how long does the Senator think that secretary or employee would have remained in the discharge of his duties?

Mr. GLENN. Well, about as long as he will remain anyway.

Mr. President, who else was in this nefarious transaction? Was this man alone? Why is it we hear only about Mr. Barry? At the head of this magazine, this publication in which this thing appeared, was another man, not a neophyte, not a new man in public life or in political life, or in dealing with Members of the Senate or with Members of Congress, but one of the great men of the country. The \$250 this man was paid, which is spoken of, came from the coffers of the magazine edited by the late candidate for the Presidency of the United States, the Hon. Alfred E. Smith, four times Governor of the imperial State of New York.

Mr. WHITE. Mr. President, will the Senator from Illinois yield to me now?

Mr. GLENN. I yield.

Mr. WHITE. I find myself in the unhappy situation of being obliged to vote upon the pending resolution without ever having seen in its entirety the article complained of, or without ever having opportunity to read a report of the hearings held Saturday and this morning. I wonder whether the Senator from Illinois has any information as to how many other Senators who are about to cast their votes are in the same predicament?

Mr. GLENN. I should judge about 95; I am not sure; I have no information about it. I should not say that, however, Mr. President. I do not know. I assume, of course, that the members of the Committee on the Judiciary read the article and carefully considered it. I do not know how many others did.

Mr. President, the article was published in a magazine edited by the man four times governor of the greatest State in the Union. I think that man is a good man; I think he is a great man; I think he is one of the great men of this country, of whom there are but few. I stand by that declaration. I believe I could almost prove it in a court of record. [Laughter.]

He is one of the great men. He published this thing. It may be said that he did not see it. He is assumed to have seen it, and in any libel suit for which the writer of the article, Mr. Barry, would be responsible this man, former Governor Smith, would likewise be responsible. Why did he not stop this thing when it came to him, he and his managing editor? They are the ones who had it written. Is he a wicked, mean man who would destroy the Senate of the United States and destroy our form of government—

former Governor Smith? I think not. Oh, no; not at all; and I predict that it will be a long day before the Judiciary Committee of the Senate of the United States send for Alfred E. Smith to come before the bar of the Senate. I wish they would do so before we act upon this resolution. They will never send for him to come here. Why not? They have the power. They have the authority. They have the right. I am not sure but what he might welcome the invitation. [Laughter on the floor and in the galleries.]

The VICE PRESIDENT (rapping for order). There must be no demonstrations in the galleries. If there are any more demonstrations, the present occupant of the chair will order the galleries cleared.

Mr. GLENN. Mr. President, I believe one of the cardinal principles of our American form of government is that there shall be no undue discrimination, that all men are created free and equal, and so forth. Let me call attention to the fact that we are violating the Constitution. We are not treating other people as we treat ourselves. We are now, it seems, about to oust this man after long years of service because he said some words or wrote some words which reflect upon us. He did not do a great deal to us; but it seems, now that nobody believes what he said, that we are going to oust him from his office for doing it. That is the way we treat people who reflect on us or do anything wrong to us.

There is another employee of the Senate, another officer of the Senate, who not long ago made an attack, too. He was under stress and strain and perhaps his mind was not at rest and not serene, as this man's mind may not have been. Some one said something about him and that some one was around here, too. He knew the Members of the Senate, too. He spends his time here, too. He did not sit on this floor. Oh, no, he was not one who sat upon this floor, a Member of the Senate. He sat up yonder with the young men and young women in the press gallery, and when he said something this man started after him with a young cannon and pursued him and looked for him in order to wipe out that disgrace.

The matter came before this body—an assault or attempted assault with a deadly weapon, not with words, not with idle, empty words—oh, no, but something more germane to the issue. When it was determined that this officer of the Senate was guilty of attacking one up there in the Press Gallery, what did we do with him? Why, we did nothing. It was all right then. He was under strain and under stress. Besides, he had not attacked a Member of the Senate, but only a member of the press gallery, so we excused him. Why treat him any differently from the way we are going to treat this man, Barry? We encouraged him, it is suggested to me. Some people think if he had been successful in his quest, we would have pinned upon him a senatorial badge of honor. [Laughter.]

Of course, this man, Mr. Barry, has acted foolishly. He has acted without thought. He has said an unwise thing. The Senator from Nebraska [Mr. NORRIS] asks what position will we be in now if we do not oust him; a pertinent inquiry. It is a pertinent inquiry. May I state, in answer to the Senator from Nebraska, what position I think we will be in here in the Senate if we do not oust this man. I think the people of the United States will say, "Well, he has admitted on the floor, first, that he did not intend the obvious meaning of his words; secondly, that in all his time in the Senate he knows of no man in either the Senate or the House who has accepted a bribe. Therefore, he clears all from any intended meaning of the words. All are freed from any charge by this man. He has not apologized." I credit him for that. It must have been a rather strange, unusual spectacle the other day to have this old man, with the winters of 73 years ageing his shoulders and whitening his hair, to come before this body alone, without counsel, without much notice, I take it, and stand here as a man, not begging, nor crawling, nor apologizing.

I think the people will say "There is nothing in the story. The man did write the article. He says so himself. He was foolish. He did the thing that was not the right thing. He

has said now that he knows nothing to substantiate the supposed charges."

I think we will be in a better position before the country in this time, when this man in the next three weeks is to leave his office, if we remember his age, if we remember his years, his white hairs, his long honorable service in this body, his spotless life and reputation for more than 73 years, and if we say to him "You have done a foolish thing. We will not likewise be foolish. We will not vote to dismiss you from your office."

Mr. BINGHAM. Mr. President, I regret very much the nature of the report made by the Judiciary Committee. In view of the testimony given us the other day in the Senate by the Sergeant at Arms before he became confused by clever cross-examination, against which he was not protected by judge or counsel, in view of the testimony which he read to the Judiciary Committee yesterday, which unfortunately is not printed, but which I have here in the form of the stenographic report; in view of one or two other items, namely, the fact that the beginning of his article as he wrote it was eliminated by the publisher without his knowledge—a fact which places in my mind a different construction upon the published article—I shall vote against the resolution offered by the Senator from Nebraska [Mr. NORRIS].

Mr. President, some of the Senators here present were not present the other day when the Sergeant at Arms was quickly haled before the bar of the Senate and questioned. He did not speak very loud. That is not strange. When a man has been an employee of the Senate during a large part of his life, either as a page or as an official in the press gallery, representing a distinguished newspaper, or as Sergeant at Arms, never having before said more than a word or two in announcing the arrival of dignitaries, and is called before the bar of the Senate and faced by Senators whom he respects, before the body for whom he has worked for so many years, it is not strange that he was not able to make a very favorable impression. That is not surprising, Mr. President. But I would like to read what he did say when he first came before the Senate.

The Senator from Indiana [Mr. Watson] said:

Mr. Barry, did you write the article in the New Outlook published this month?

Sergeant at Arms BARRY. I did.

Mr. Watson. In that article did you say, "There are not many Senators or Representatives who sell their vote for money, and it is pretty well known who those few are"?

Sergeant at Arms BARRY. Yes, sir; I did.

Mr. Watson. Who are those Senators and Representatives who you know have sold their votes for money?

Now, listen!

Sergeant at Arms BARRY. I have not the slightest idea. I had no Senator in mind, and I do not know that there is such a Senator.

Mr. Watson. What, then, Mr. Barry, did you mean by that language?

Sergeant at Arms BARRY. My idea in writing that—

That particular language, may I say to the Senator from Nebraska, and not the particular article, but my idea in writing that particular language—

was to defend the Senate—

Mr. NORRIS. Mr. President, let me correct the Senator. Is he reading or is he interpolating his own language?

Mr. BINGHAM. I am interpolating my interpretation of it and I will now read his language exactly as it occurred.

Mr. Watson. What, then, Mr. Barry, did you mean by that language?

Sergeant at Arms BARRY. My idea in writing that was to defend the Senate from the popular belief that there are crooks and grafters here. I have for 30 years taken that view. I have written a great many times and said a great many times that there are no crooks in Congress; that it is a mistaken popular belief, but it is the general belief; and I meant by that, of course, that if there were a few men here who did take money for their votes they would be very well known to their colleagues. I meant nothing further than that and my motive was entirely in the way of defense of the Senate.

Those were the words which he used when he was called before the bar of the Senate to explain what he meant. Those were the frank, simple statements of a man called

hurriedly before the bar and asked what he meant. Afterwards, it is true, under skillful cross-examination by members of the bar, some of the most able members of the bar in the United States, he changed his views. He was confused. He said things which he did not mean and which contradicted what he said first when he made his simple statement.

Mr. DALE. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Vermont?

Mr. BINGHAM. Certainly.

Mr. DALE. The Senator speaks of the time when he was "cross-examined." There is no lawyer who can tell when he was examined and when he was cross-examined during that time. It is impossible for one to say when he was under direct examination and when he was under cross-examination.

Mr. BINGHAM. That is quite true. What I intended to imply was that when he came before the Senate his first simple words were somewhat in amazement that his words, which he had never seen in proof, appeared to mean something that he did not mean to say and would not have allowed to be printed had he known that that was what he did say. A little bit later, under the fire of questioning from various parts of the floor by skillful cross-examiners, he became confused and changed his statement and did not make a very favorable impression. That is what I meant by "cross-examination."

Mr. DALE. Mr. President, will the Senator yield further?

Mr. BINGHAM. Certainly.

Mr. DALE. I think perhaps the Senator misconstrued my purpose in saying what I did. It was in no sense a criticism of the Senator from Connecticut or what he was saying. I think the procedure that was carried on here was positively ridiculous.

Mr. BINGHAM. I think it was worse than that. I think the procedure was a disgrace to the Senate of the United States.

Mr. DALE. When he was examined or cross-examined, whatever one may wish to call it, he was caused to incriminate himself against the very first rule of evidence; he was caused to give out confidential communications that no judge would have permitted, in fact, that no ordinary justice of the peace would have permitted.

Mr. BINGHAM. I thank the Senator.

Now, Mr. President, in his appearance before the Judiciary Committee Mr. Barry said:

I desire, Mr. Chairman, to make a statement which I have written out.

I will read that statement. I think it should go into the RECORD. I now quote from Mr. Barry's statement without omission.

I have served the Senate nearly 14 years. In that time I have made every effort to uphold its dignity and its honor, and I would not willingly have done anything to impugn its honor.

I have at many times in my career as a newspaper correspondent written publicly and professed my sincere belief that Congress, as a body, is composed of honest men, and a fair reading of the entire text of the article in question would show that my purpose was to proclaim the integrity of the Congress as a whole.

Many years ago I published in the New England Magazine an article entitled "The Loyalty of the Senate," in an attempt to reply to a series of articles written by the late David Graham Phillips. The title of his articles was The Treason of the Senate, and at that time they caused a sensational discussion of the very subject now before the Senate. I was at that time, as I was in the New Outlook article, endeavoring to represent it as the true situation that the isolated case of misconduct of individuals in office offered no basis for the loose public condemnation of the Senate we so often hear.

If it is an offense to have said what I said in my article, then not alone am I guilty, for on the 10th of May, 1932, Senator CARTER GLASS, of Virginia, speaking on the subject of the opposition of certain bankers to the proposed legislation in regard to branch banking, said:

"They hired a skillful and persuasive professional lobbyist and paid him a salary to come here to Washington—worse than that, they hired some Congressmen to my positive documentary knowledge—to oppose even that small measure of branch banking."

Continuing Mr. Barry's statement:

I would also respectfully call attention to the letter of Senator NYE to the late Senator Caraway, published in the printed hear-

ings of the Nye committee investigating campaign expenditures involving an individual Senator.

Within the past few days a Senator has said in the Senate that a certain measure would be enacted because the interests were behind it, and it is a matter of frequent comment that the Halls of Congress are filled with groups of lobbyists, and the lobbyist for special interests has always had a sinister name. It may be, from all that is recited above, a fair inference that there were some men subject at least to influence, and my inference was based on a general knowledge of conditions surrounding Congress and not on any concrete cases such as that spoken of by Senator GLASS. Moreover, I employed my inference to dispute a popular impression that Congress is filled with grafters.

But certain Senators have apparently arrived at the conclusion that my words carry a meaning I never intended, and if the interpretation is to be placed upon them that they constitute an attack upon the integrity of the Senate I would unquestionably, as an elected officer of the body, owe the Senate an apology, which on that basis I would unhesitatingly tender.

I have served the Senate, as I have heretofore stated, nearly 14 years. In less than a month my successor, in ordinary course, would have been named, and I expected to serve until then. I do not believe that it would have been proper for me as an elected officer of the Senate to have published an article reflecting upon the integrity of the Senate. That would be impropriety, regardless of fact or evidence. But I do not feel that I have so acted as to the Senate.

Quite to the contrary, I have affirmed the integrity of the Senate against the too-widespread popular belief in the prevalence of corruption. I have declared dishonesty in the individual, to which I think I have clearly shown it was reasonable for me to allude, to be exceptional, and even relatively without influence.

May I interpolate to say, Mr. President, that those words "even relatively without influence" are, to my mind, very illuminating, for when Mr. Barry appeared before the Senate and said that he meant nothing further than that if they took money for votes, they would be well known to their colleagues, he was in another method expressing exactly the belief which he expressed in his statement to the committee.

I continue the quotation:

I spoke of demagoguery. If that constitutes an impropriety, I would gladly offer an apology as an officer of the Senate, but the charge appears to be that I have assailed the integrity of the Senate.

Were I guilty of that I would not only apologize; I would resign. Indeed, I would have resigned and made the charge afterward. But, believing that I have not made any such attack, that I have said no more—indeed far less—than Senators GLASS and Nye and others, I can only in good conscience await the judgment of the Senate.

I shall only quote one more paragraph from his testimony before the committee where Senator BRATTON referred to the opening paragraph of his article, which was omitted by the publishers without Mr. Barry's knowledge and which would have placed a different interpretation on his entire article, one which would have been in accordance with his desire to protect the Senate by merely in part quoting from one of its own Members. Senator BRATTON asked—

Can you give us the substance of the opening paragraph of the article as you wrote it, which was omitted?

Mr. BARRY. It began with a quotation from a statement that Senator BULKLEY made last fall in a campaign speech in which he said that if there are not good men in the Congress—something to this effect; I am not quoting it word for word—that Congress was made up of the class of people that the people sent here; and if they did not have the kind of people here that they ought to have, it was their own fault.

Senator BRATTON. That was deleted from the article?

Mr. BARRY. Yes; it was left out.

Mr. President, I submit that the punishment proposed for Mr. Barry is far more serious and severe than is justified in view of his explanation of what he intended to do. It is true that his words were utterly foolish and that they had an implication which he said he did not intend to convey. There is one thing, however, in his examination before the Senate that deserves also to be noted.

Mr. HEBERT. Mr. President, will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Rhode Island?

Mr. BINGHAM. I yield.

Mr. HEBERT. Mr. President, may I ask the Senator if he has the transcript of the evidence taken this morning before the Judiciary Committee?

Mr. BINGHAM. I understand that that transcript has not as yet been received from the stenographers.

Mr. NORRIS. I have sent for it, and I think we will have it in a few minutes.

Mr. HEBERT. If the Senator will permit me further, I make this observation because Mr. Barry in his appearance before the committee this morning brought with him the original manuscript of his article, which included the paragraphs that were omitted from the article as published; and, if my memory serves me correctly, there was as much as a page and a half of it. I assume the chairman of the Judiciary Committee has that original manuscript in the files of the committee?

Mr. NORRIS. Mr. President, will the Senator from Connecticut permit me a moment?

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Nebraska?

Mr. BINGHAM. I yield.

Mr. NORRIS. I have sent to the Judiciary Committee room to see whether the transcript has been returned typed. At the last inquiry I made it had not yet been returned from the stenographers.

Mr. HEBERT. Mr. President, if the Senator from Connecticut will permit me again, I had reference to the original article as prepared by Mr. Barry—

Mr. NORRIS. The stenographers took that with them.

Mr. HEBERT. Which I suppose had been left in the files of the committee.

Mr. GLENN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Illinois?

Mr. BINGHAM. I yield.

Mr. GLENN. Would it not be more regular and fitting not to insist that this matter be acted upon until that transcript at least shall be available so that we may know what occurred?

Mr. NORRIS. Personally, I do not think so. It is in the power of the Senate, of course, to put the matter off until the 3d of March, if they want to. We will have it all printed by that time.

Mr. GLENN. Does not the Senator think it would be in more regular order to defer action until we have the transcript of the testimony of this morning?

Mr. NORRIS. The Senator is asking me the question. I do not think the Judiciary Committee ought to have taken any evidence. I think the Senate—and I said so at the time—ought to have acted immediately after the Sergeant at Arms was heard here in the Senate.

Mr. GLENN. But having taken testimony, does not the Senator think the Members of the Senate should have it?

Mr. NORRIS. They can have it if they want to. Of course, it is within the power of the Senate to take such action as it pleases. The fact that the transcript is not available now is not my fault, and it is not my fault that I submitted this report at 4 o'clock to-day. That is due to the action of the Senate. The Senate prescribed that that should be done. We have only obeyed the Senate. If we had not obeyed it, we would have had the Senator from Illinois jumping all over us because we did not follow the instructions of the Senate. If the Senate wants to put it off until the 4th of March, that is within its province, of course.

Mr. GLENN. Would the Senator favor putting it off until we can have an opportunity of seeing and reading the transcript?

Mr. NORRIS. No; I do not want to put it off.

Mr. BINGHAM. Mr. President, I am sorry the Senator from Nebraska takes that position. It seems to me when we are asked to vote upon the preemptory dismissal of a man who for many years has been a faithful employee of the Senate, and, at the age of 73 years, has at the most committed an indiscretion, due in part to the fact that he himself never had an opportunity to read the article in print or even in proof, that the matter deserves no such great haste that we may not even have his testimony and examination by the committee printed and on the desk of each Senator.

That in itself seems to me, Mr. President, constitutes a most unusual situation and is not worthy of the Senate of the United States.

But, Mr. President, there is one other matter that I should like to quote from the testimony taken the other day in the open Senate where the Senator from Nebraska addressed the Sergeant at Arms and said:

The Senator from Indiana did not read the portions following what he read to you. I had better read all of it, so as to get the sense.

Then he quoted from the article as follows:

There are not many Senators or Representatives who sell their votes for money, and it is pretty well known who those few are; but there are many demagogues of the kind that will vote for legislation solely because they think that it will help their political and social fortunes.

Mr. NORRIS. May I ask the Senator a question there?

Mr. BINGHAM. Then, the Senator from Nebraska followed that up by this—just a moment, may I finish the quotation?

Mr. NORRIS. Certainly.

Mr. BINGHAM. I continue the quotation:

And then you follow that by this language:

This is what passed the constitutional amendment providing for the popular election of Senators, it is what passed the amendment giving suffrage to women, it is what passed the prohibition amendment, and it is what has made possible the almost successful attempt to hang the bonus on the American taxpayers.

Then the Senator from Nebraska asked this question:

Is it true, in your judgment, that there are demagogues in the House and Senate, and it is because of the votes of those demagogues that these amendments have been submitted to the people. Sergeant at Arms BARRY. I most certainly do.

Mr. NORRIS. Now, may I ask the Senator a question?

Mr. BINGHAM. Yes.

Mr. NORRIS. Does the Senator, after he has read that language, believe the statement of the Sergeant at Arms when he said, "I was making a defense of the Senate"? Does he think that is a defense of the Senate? Does he think anybody could construe it into being a defense of the Senate or the other House?

Mr. BINGHAM. No, Mr. President; but when he made that statement he explained what he said was his idea in writing it in response to a question of the Senator from Indiana [Mr. WATSON]. However, I may say that I believe the Senator from Nebraska is quite right in his latter statement. Mr. Barry said that the entire article was a defense of the Senate in his statement before the committee. Mr. President, that part of the article can hardly be construed as a defense of the Senate, however true it may be. The trouble is, Mr. President, when the Sergeant at Arms was questioned as to whether he believed that there were demagogues in the House and the Senate he said, "I most certainly do." That is the real charge against him. His article was entitled "Over the Hill to Demagoguery." That is the trouble with the Sergeant at Arms; he has called attention to one of our weaknesses in that sometimes we do vote in a way to secure votes for ourselves. I make no claim that I am any more free from that than anyone else, but when he wrote that Members of the Congress vote because they think it will help their political and social fortunes he told the truth about a great many of us.

Mr. CUTTING. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from New Mexico?

Mr. BINGHAM. I yield.

Mr. CUTTING. Does the Senator think, even granting the truth of what he is saying, that it is any part of the duty of the Sergeant at Arms to pillory us before the public?

Mr. BINGHAM. Certainly not, Mr. President. I do not excuse his article. I think it was in extremely bad taste. I think it shows the evidence of advancing years that a man in the employ of the Senate would say such a thing. Certainly no young man would venture to criticize the body that employed him. If he did, he would expect to be dismissed at once. Certainly it is not evidence of loyalty. It is evidence of extremely bad taste.

But, Mr. President, here is the Senate of the United States, 96 Senators representing a great Nation that we are pleased to think is the greatest nation on the face of the earth, with 122,000,000 people. The action that is proposed reminds me of a scene that I once saw on one of my travels, when a beloved Airedale of mine was trotting along a path in the Andes Mountains, minding his own business, going about his way; and a small dog rushed out of the bushes and barked at him, and, in canine language, called him every name in the calendar, including some words I can not use on the floor, and the Airedale paid no attention whatsoever.

The small dog nipped at his legs, and the Airedale—and I was proud of him for it—went on his way and paid no attention, until the little dog got tired of yapping and nipping at him. But a little later on we came to a fence, and through a door in the fence three dogs came out, each one of them as big as the Airedale. Immediately the Airedale put up his back and fought all three dogs at once, and I was proud of him; but when the little dog barked at him he did nothing.

We have been barked at by a little dog. To be sure, he is our dog; but is that any reason why we should kick him out? Is that any reason why we should get excited about it and think that our dignity has been assailed?

Mr. President, here is a man who has faithfully served the Senate for many years. He is 73 years old. He has committed an indiscretion. He has shown extremely bad judgment. He has said that which he says himself he did not mean to say, and we propose to put a blot on his character and expel him from the service of the Senate in his last days here.

Mr. President, I can not vote for any such motion.

Mr. DICKINSON. Mr. President, it seems to me that if the rules of the Senate do not provide any method of procedure for the dismissal of one of its employees other than that which has been suggested in the case of the Sergeant at Arms, we ought immediately to have a meeting of the Rules Committee and find some way by which we can dispose of an employee without this sort of a showing to the country.

I think the Senate was acting hastily and ill-advisedly. I think the impression on the country has been bad. I have not seen a single, solitary editorial comment on this whole procedure that favored the conduct of the Senate.

I was not impressed with the thought that we ought to bring this man in here before 96 Senators, where the Senate was acting as the judge, the prosecuting attorney, and the jury, and have him tried here. Instead of suggesting to me the type of procedure that the Senator from Connecticut has referred to, it made me think of these pictures of the wonderful fox hunt, where they are all going home with 20 or 30 fine hounds following along, with 25 or 30 men on horses, and 1 little fox is held up by the tail as the result of the great fox hunt, in which we can spend days and days in this country.

As a matter of fact, I should like to see Barry dismissed from service, and I think he should be dismissed, but I am going to vote against this resolution because of the procedure of the Senate in trying to bring about the dismissal. If we have no other way by which we can dismiss an employee, we have a Rules Committee that ought to find a way by which this can be brought about, without the disgraceful procedure we are going through here.

Mr. DALE and Mr. BARKLEY addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Iowa yield; and if so, to whom?

Mr. DICKINSON. I yield to the Senator from Vermont.

Mr. DALE. Mr. President, the Senator will recall that when this question came before the Senate the Senator from New Hampshire [Mr. MOSES] suggested that the matter be laid before the Rules Committee, and he was called down so furiously that no further attempt was made to do that.

If the Senator will pardon me just one minute, I want to say for myself that I take the same position he does. I think something should be done with Mr. Barry, but under

these circumstances I can not bring myself to vote for this kind of a procedure.

Mr. DICKINSON. I thank the Senator very much.

Mr. BARKLEY. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Kentucky?

Mr. DICKINSON. I do.

Mr. BARKLEY. If one of the Senator's employees in his office should write a letter or publish a statement to the effect that the Senator himself was a crook, or a grafter, or was selling his vote for money, would he call the Rules Committee of the Senate together to determine what ought to be done with the employee?

Mr. DICKINSON. I certainly would not; but I will tell the Senator further what I would not do; I would not come over to the floor of the Senate and advertise to the world that one of my employees had said I was dishonest.

Mr. BARKLEY. But the trouble about that is that it had been advertised to the world before anything happened here.

Mr. DICKINSON. Oh, no, it had not! I want to say that I read the press just about as carefully as anybody in the Senate, and I had absolutely no knowledge of this matter until the Senator from Indiana [Mr. WARSON] rose on the floor and asked for recognition; and I am of the impression that the occupant of the chair at that time, who is now in the chair, had no knowledge whatsoever of that procedure.

The PRESIDENT pro tempore. If the Chair may say so, the Senator from Iowa is correct.

Mr. BARKLEY. If the Senator from Iowa will yield further, that may be explained because of the fact that this occurred only a day or two after the beginning of this month, which was the month of the current publication of the magazine, and it was only brought to the attention of the Senate when the magazine was found out in the reading room on the very day when it was mentioned in the Senate. Whatever advertising was started about this whole situation was started by the Sergeant at Arms when he put his article in the magazine and received pay for it.

Did any Senator know about that in advance? Did any of us know that such an article was to appear? Did the Sergeant at Arms consult any Senator about whether or not he ought to publish that article? Of course not. We knew it first when we saw the magazine.

Mr. DICKINSON. If the Senator is attempting to drag me to the point of defending Barry, I will say that I am not defending him. I think it was an indiscretion, but there was not a word of testimony given by him anywhere that showed that he had any intent of injuring the Senate.

Mr. REED. Mr. President, will the Senator yield?

Mr. DICKINSON. I yield.

Mr. REED. I agree with the Senator that this body made a holy show of itself last Friday, and it is doing it again to-day; but the Senator need not feel that we would have satisfied the editorial writers by any other course of action. If we had done nothing about this matter, they would have denounced that as a confession of guilt. If we had referred it to a committee, they would have denounced that as an effort to smother it. Whatever we did was wrong in their eyes. Whatever we would do would be wrong.

If the Senator hopes for newspaper approval, I assure him that he has a long wait.

Mr. DICKINSON. Let me reply to the Senator that it is the fault of the Senate, and not the fault of Barry, that the Senate is in ill repute with the editorial group of the United States.

Let me read to you from the New York Herald Tribune an editorial headed "Worse than corrupt":

The spectacle of the Senate of the United States solemnly representing the charge that it is corrupt is a tragic comic episode in the history of the Nation.

The last paragraph is as follows:

The Sergeant at Arms of the Senate, Mr. David S. Barry, was wrong because he misstated the facts and understated the truth. He should doubtless be thrown out of his job on the first count.

Then it goes on with expressions critical of the Senate:

On the second, the Senate should go into mourning for the evil days upon which it has fallen, days of disgrace and dishonor, of a menace far more dangerous to the welfare of the Nation than any occasional buying of Senators by dollars honestly earned.

My theory is simply that this whole procedure is ill advised. We should have found a way by which we could have referred this matter to some committee with the right to dispose of it—perhaps to a patronage committee. I would not care what committee it was; but I am going to vote against this resolution, not because I do not think Barry should be dismissed, but because I am against this sort of procedure on the floor of the United States Senate; and the sooner we come to the conclusion that we must do things here in an orderly way without this display, without being apparently so obsessed as to the desire to crucify somebody, the sooner I believe we will regain the confidence of the people of the United States.

Mr. NORRIS and Mr. WALSH of Massachusetts addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Iowa yield; and if so, to whom?

Mr. DICKINSON. I yield first to the Senator from Nebraska.

Mr. NORRIS. Mr. President, without attempting to criticize the Senator or to suggest that there might not be some better way of dealing with this matter, I want to call his attention to the fact that what he suggested as a method of doing it would be done secretly; and if that had occurred, these beloved newspapers that the Senator is talking about probably would have torn us into shreds in less than 24 hours. Does the Senator favor a secret method of disposing of a charge when we are called crooks? Does he want to have it handled secretly?

Mr. DICKINSON. Are there any proceedings of any committee of the Senate of the United States that are secret?

Mr. NORRIS. But the Senator wants to find a way to handle this matter without getting any publicity.

Mr. DICKINSON. No; I do not.

Mr. NORRIS. How are we going to do it?

Mr. DICKINSON. I would simply refer it to a committee with power to act; and I would not have a parade here of oratory for hours and hour and hours, with important business waiting, in order to dispose of an incidental matter of this kind.

Mr. NORRIS. The Senator may be right; but, after all, he is laying himself open to the charge and laying the Senate open to the charge, that we are afraid to meet these charges in the open, and that we are punishing those of our employees who call us crooks by operating in secret.

Mr. DICKINSON. Now, let me reply to that.

The Senate seems to be obsessed with the fact that if we come out here and make a great display of ourselves, and have a lot of oratory, and have the public press open to every word that is said, we are doing away with the thought that we are attempting to do a thing secretly.

I want to suggest that there is not a committee proceeding in the Senate that is secret. In most of them a report of the proceedings is taken by a stenographer and is a public record. This could have been made a public record, and it could have been done without any of this display, and the newspapers could have made such comments as they wanted to, and the Senate would have been much better off, and the country would have been much better satisfied.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Massachusetts?

Mr. DICKINSON. I yield.

Mr. WALSH of Massachusetts. Did I understand the Senator to state that from his study of the facts, and after consulting his conscience, he had reached the conclusion that he would vote for the dismissal of Mr. Barry?

Mr. DICKINSON. No; I am going to vote against this resolution.

Mr. WALSH of Massachusetts. I understood the Senator to say that he was going to vote against this resolution because he did not agree to the procedure, but I understood him to say also that he thought Mr. Barry ought to be dismissed. Did I correctly understand the Senator?

Mr. DICKINSON. I say that he ought either to be dismissed or he should resign. I think if this matter were referred to a committee he would resign.

Mr. WALSH of Massachusetts. Very well.

Mr. DICKINSON. The Senator from Massachusetts is not going to be able to drag me into a place where he thinks I will be embarrassed in the vote I am casting, because there is a method of reaching this matter, and it can be found; and if the Senate has not the ability to find it—

Mr. WALSH of Massachusetts. I hope the Senator will not get angry. I want to ask him again, Did he or did he not, in the presence of his colleagues a few minutes ago, state that he had reached the conclusion that Mr. Barry ought to be dismissed, but that he did not like this procedure?

Mr. DICKINSON. I said he should be dismissed. As a matter of indiscretion, he should be dismissed.

Mr. WALSH of Massachusetts. Very well. Then I ask the Senator, if he has reached that conclusion upon his own investigation, does he not think it possible that 95 of his colleagues may have reached the same conclusion?

Mr. DICKINSON. I have not talked with a single, solitary Senator as to his conclusion. It is a matter of no particular concern to me. I am just convinced that we ought to find another way of bringing about the dismissal of an employee.

Mr. WALSH of Massachusetts. Will the Senator suggest the other way?

Mr. DICKINSON. I have suggested the other way.

Mr. WALSH of Massachusetts. What shall we do now? What motion will the Senator make?

Mr. DICKINSON. I would refer this matter back to the Judiciary Committee with power to act and do what they want to do, or I would refer it to the Rules Committee, or to a patronage committee, or some other committee. The Senate referred it to the Judiciary Committee the other day with instructions to report back here at 4 o'clock on Tuesday. It was a shameful thing, and now it is paraded again before the country.

Mr. WALSH of Massachusetts. So as to avoid a record here, the Senator would refer it to the Judiciary Committee to do what they pleased?

Mr. DICKINSON. I will suggest to the Senator from Massachusetts that I do not try to escape any record votes. He has never seen me running out of the door. I will not run out of the door on this vote. I will vote "no," just as I have suggested.

Mr. CUTTING. Mr. President, it seems to me that the course of the debate has taken us rather away from the very simple facts involved. Mr. Barry, an employee of the Senate, wrote an article for the New Outlook which not merely stated that a few Senators and Representatives sold their votes but went on to say—

There are many demagogues of the kind that will vote for legislation solely because they think that it will help their political and social fortunes.

Mr. President, that charge, to my mind, is quite as serious a one as the original charge made.

This is what passed the constitutional amendment providing for the popular election of Senators; it is what passed the amendment giving suffrage to women; it is what passed the prohibition amendment; and it is what has made possible the almost successful attempt to hang the bonus on the American taxpayers.

Mr. President, I may mention in passing the fact that it was the senior Senator from Idaho [Mr. BORAH] who was in charge of the constitutional amendment providing for the popular election of Senators; that it was the senior Senator from Texas [Mr. SHEPPARD] who was in charge of the prohibition amendment; and that a large majority of the Senate, including many who are still Members, voted for the bonus when it came up in 1924.

Mr. Barry mentions no names at that particular point, but he goes back into the past to show to whom he refers as demagogues. He starts with Pepper and Simpson, of Kansas; Allen, of Nebraska; Butler, of South Carolina, "and before them Weaver, of Iowa." He goes on, while speaking of demagogues, to say:

It is not so many years ago that the elder La Follette embodied something of the ideas of these men by proposing that Congress have the right to veto the decisions of the Supreme Court of the United States.

Mr. Barry goes on to say that—

the reference to the court was taken seriously enough to cause President Hoover to rap Mr. Roosevelt over the knuckles in his campaign speeches for even referring to it.

In the next section of his article Mr. Barry states:

Congress, it can not be denied, is becoming more and more careless of the letter of the Constitution; and more than once in recent sessions of Congress the spirit, if not the precise letter, of this charter has been side-stepped in an effort to enact some legislation plainly violative of the Constitution itself.

The Senate, in other words, is not merely charged with selling its votes, or voting in such a way as will help the political and social fortunes of Senators, but with actual violation of the Constitution.

Mr. Barry goes on to say:

There are in Congress to-day—

May I call the attention of the Senator from Kentucky [Mr. LOGAN] to the fact that he is obviously speaking about the present Congress.

There are in Congress to-day, and will be, undoubtedly, for many years to come, a powerful and influential group of business men and conservatives, but the great mass of the Senators and Representatives will be inexperienced men voted into office by the radical elements of the electorate which are eager for any kind of a change which promises to lift them out of the depression; and the efforts of the conservatives in both parties to hold these wild ones down to sane and sensible legislation of such a kind that may be depended upon to give all classes the kind of relief that will be wholesome and beneficial to them must of necessity be unrelenting.

So the Sergeant at Arms of the Senate is calling on the minority of sane, conservative Senators to keep the radical majority in check.

Mr. President, I shall not quote the article at any length. It is all along the same line. It goes on at one point to show that the reason why President Hoover was unable to carry through his policies was owing to the large number of progressives, or insurgent Senators, who were able at any time to upset the plans by cooperating with the Democratic minority.

He goes on to discuss the junior Senator from Louisiana [Mr. LONG] and the senior Senator from Michigan [Mr. COUZENS]. Mr. COUZENS's action in criticizing the Republican leader, Mr. WATSON, of Indiana, he claims had perhaps no counterpart in legislative annals.

Mr. President, I can not conceive of anything more improper than the action of an employee of this body in taking part in any partisan propaganda for the benefit of any element in this body, or in the denunciation of any individuals in this body or of the body as a whole. It seems to me that is so elementary that there is no use standing on this floor to discuss the question any further.

Whatever procedure might have been taken has nothing to do with the merits of the resolution which we are now called upon to vote for or against. To my way of thinking, it is improper for an employee of the Senate to write any kind of an article discussing the Senate as a body or Senators as individuals, but certainly one which from beginning to end is critical, denunciatory, and defamatory, is a thing which the Senate can not possibly pass without notice. We can not ignore it because it is before us, and we now by our votes have either to justify the actions of this Senate employee or to condemn them in the only logical way in which such action can be condemned.

Mr. ROBINSON of Indiana. Mr. President, I do not propose to enter into any defense of the Sergeant at Arms for

this indiscretion. I said the other day, and meant it then, that in my judgment his indiscretion was very grave. I think he has made a grievous mistake, certainly from the standpoint of propriety and ethical conduct on the part of an employee toward his employer. But I did not think then, I do not believe now, that that conduct warranted peremptory dismissal from the position he holds. Because I felt that way, I proposed a substitute in the Committee on the Judiciary this morning for the resolution which has been reported, which would have permitted Mr. Barry to resign.

Mr. President, the point was made that he might not resign. I certainly do not desire to violate any confidence, because I wish to treat my colleagues on the committee as I should desire to be treated myself in a like situation, but I think I violate no confidence when I make the statement that that suggestion was tendered.

Mr. President, I do not believe Mr. Barry should be forced out. I do not believe he should be dismissed summarily. Certainly he has had the example of criticizing set before him here in this body time and again. Innuendoes have been hurled back and forth across the aisle when politics was concerned. And where there was no partisan motive, undoubtedly inferences have been made by Senators on this floor to the effect at least that some Senators had been influenced by powerful interests.

I think now of statements connected with the so-called Power Trust; I think of the various tariff discussions. Not infrequently suggestions have been made by Members of this body to the effect that certain legislation could not be enacted because "out yonder are powerful lobbyists," the "interests," which would not permit that legislation to take form and become the law of the land.

Whenever a Senator says that "powerful interests are out here to prevent legislation in this body," by inference, at any rate, that Senator means that "these powerful interests out here" influence Members of this body. Such charges are made almost every day during the consideration of such matters as tariff bills. The Sergeant at Arms had Members' example for any statements he might desire to make in that connection.

Mr. President, doubtless he has been led astray by such suggestions. What his purpose was I do not know, but I have been able to convince myself that there was no malice in this man's heart against the Senate—either against it as a body or against individual Members.

Whatever the effect of his utterance might have been, I am convinced in my own mind that there never was any criminal intent on his part, or any intention of libeling the Senate, and while he took a bad way to express himself and doubtless used unfortunate phraseology, I am willing to take him at his word that he meant really to defend the Senate as a body.

I do not agree with Mr. Barry, I find, Mr. President, from what has been read here from the article which he is alleged to have written and which he admits having written. I have never read the article. But I note in listening to those who have read excerpts from it that he inveighs against the direct election of Senators. I am for that system, and because I am for it Mr. Barry would doubtless classify me as a demagogue. He also attacks the eighteenth amendment. I favor the eighteenth amendment, and therefore I suppose I am in the category of demagogues because I favor that amendment. Finally, Mr. Barry attacks vehemently the immediate payment of the adjusted-service certificates of the veterans of the World War, commonly called the bonus. I favor the immediate payment of the bonus, and so I assume Mr. Barry would there again include me in the list of demagogues.

That troubles me not at all, Mr. President. I recognize that Mr. Barry has a right to his views as much as I have to mine, and I have no objection whatever to his expressing his views as I insist on being permitted to express mine, only I have a much better opportunity to express my views

than has Mr. Barry. I am a Member of the United States Senate and can stand on this floor and defend my views and myself if attacked. Mr. Barry has no such right.

Mr. Barry is called before the Senate. It is a tragic situation, Mr. President. Here is a timid little man, 74 years old, who, so far as I know, has rendered such service throughout these many years that his conduct has never before been called into question. If I am correctly informed, he was even a page boy here in his early youth. Now to drag this man here before crowded galleries, before 96 Members of this body, each individual of which is clothed with enormous power, and which body collectively as a part of the sovereignty we call the Government of the United States is ten thousand times more powerful than the Members are individually, and have him stand there before everybody without any preparation at all, it seems to me is utterly tragic.

But I shall not discuss that. I gave voice to my views on that subject when the spectacle was in process of performance a few days ago. I said then, and I have had no occasion to change my mind on the subject, that the Members of this powerful body were about to act as a mob, to tear to pieces a man 73 or 74 years old, for what? For doing what everybody seems to be doing throughout the country.

Mr. President, all those occupying positions of authority to-day are under attack by the American people who are suffering great hardships. They are discontented and very unhappy. Naturally, they wonder that no alleviation comes for their misery from the agencies of Government. So Members of this body and those in official authority to-day are not only attacked from one end of the country to the other, but they are actually abused. I made the statement to-day to some of my colleagues on the committee, and I think it is not far wrong, that if the American people had the power this moment suddenly to vote whether or not those of us in authority should continue or be discharged and dismissed, they would probably discharge all the Members of this body immediately by their votes.

Then I submit, is it fair and just to drag this man here, who is utterly in our power, and, because he has spoken his mind, because he stated what he believes to be true, what he has heard on all sides, to send him out of here at his advanced age disgraced forever?

Mr. President, I think it is far better to be lenient, to temper justice with mercy, and to have some regard for this man's future even though there may not be many years left to him. I think he has committed a grievous error. I think perhaps he should be reprimanded for it—censured doubtless, but not discharged in disgrace. I understand that a substitute of that kind will be offered. If no one else offers it, I shall offer it myself and move as a substitute for the resolution offered by the Senator from Nebraska that the Senate of the United States reprimand and censure the Sergeant at Arms for this indiscretion.

Mr. McKELLAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Couzens	Johnson	Robinson, Ind.
Austin	Cutting	Kean	Russell
Bailey	Dale	Kendrick	Schall
Bankhead	Davis	Keyes	Schuyler
Barbour	Dickinson	La Follette	Sheppard
Barkley	Dill	Lewis	Shipstead
Bingham	Fess	Logan	Smith
Black	Fletcher	McGill	Smoot
Blaine	Frazier	McKellar	Stelwer
Borah	George	McNary	Swanson
Bratton	Glass	Metcalf	Thomas, Idaho
Brookhart	Glenn	Moses	Townsend
Bulkeley	Goldsbrough	Neely	Trammell
Bulow	Gore	Norbeck	Tydings
Byrnes	Grammer	Norris	Vandenberg
Capper	Hale	Nye	Wagner
Caraway	Harrison	Oddie	Walcott
Clark	Hastings	Patterson	Walsh, Mass.
Connally	Hatfield	Pittman	Walsh, Mont.
Coolidge	Hayden	Reed	Watson
Copeland	Hebert	Reynolds	Wheeler
Costigan	Hull	Robinson, Ark.	White

The PRESIDENT pro tempore. Eighty-eight Senators having answered to their names, a quorum is present.

Mr. CONNALLY. Mr. President, remarkable as the performance of the Sergeant at Arms in writing the offending article may have been, still more remarkable are the arguments of some Senators who have submitted remarks on the subject this afternoon. The Senator from Iowa [Mr. DICKINSON] solemnly tells the Senate that he thinks the Sergeant at Arms should be discharged, but he will not vote to discharge him because he wants to discharge him some other way. If a Senator had risen on this floor and had charged another Senator with writing this article, as the Sergeant at Arms of the Senate wrote it, and the Senator so charged had been challenged on the floor as the Sergeant at Arms was challenged, and he had answered the interrogations as the Sergeant at Arms answered them, and the matter had been referred to the Judiciary Committee or to the Rules Committee, and they had come back here and made this recommendation, what would the Senate do? It would vote to expel the Senator. The Senator from Iowa says:

He ought to be discharged, but I will not vote to discharge him because you have got to discharge him some other way.

Now, what other way is there to discharge him, except to discharge him?

The junior Senator from Indiana [Mr. ROBINSON] begins his defense of the Sergeant at Arms by saying that he committed an indiscretion, and he winds up his address by saying that he believes that the Sergeant at Arms was really trying to defend the Senate. He thinks he was really defending the Senate! He believes he was innocent, and yet, because of that, he wants to discharge him, but he does not want to discharge him all at once. He does not want to discharge him "summarily," he says. I suppose he wants to discharge him by degrees—not discharge him "summarily"; just discharge part of him to-day, and part to-morrow, and about the 4th of March, when he is going to go off the pay roll anyway, let him slip off the pay roll.

Mr. ROBINSON of Indiana. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Indiana?

Mr. CONNALLY. I yield.

Mr. ROBINSON of Indiana. I do not know that the Senator is addressing his remarks to me, but he is looking right at me. If he is referring to me, let me say that I do not want to discharge him at all.

Mr. CONNALLY. What did the Senator mean, then, by saying that he did not believe he ought to be discharged summarily?

Mr. ROBINSON of Indiana. I do not believe he ought to be discharged at all. That is what I meant by summarily.

Mr. CONNALLY. Oh, I see. [Laughter.]

Mr. ROBINSON of Indiana. Does that answer the Senator's question?

Mr. CONNALLY. What does the Senator propose to do about it?

Mr. ROBINSON of Indiana. I propose at most to reprimand him for his indiscretion.

Mr. CONNALLY. Reprimand him! Before I would vote merely to reprimand him for libeling the Senate, according to his own admission, I would vote to give him a bouquet or a medal of honor.

Mr. ROBINSON of Indiana. I would not go that far.

Mr. CONNALLY. The Senator would not go that far.

Mr. ROBINSON of Indiana. I think the Sergeant at Arms has been indiscreet and deserves perhaps to be rebuked by the Senate, but certainly not to be discharged and dismissed in disgrace.

Mr. GORE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Oklahoma?

Mr. CONNALLY. I yield.

Mr. GORE. I think perhaps I may compose this matter so that we may proceed with the appropriation bill. How would it do just to tap him on the wrist? [Laughter on the floor and in the galleries.]

Mr. CONNALLY. The Senator from Oklahoma suggests tapping him on the wrist.

The PRESIDENT pro tempore. The Senator from Texas will suspend until the galleries are in order. If the galleries can not maintain order they will be cleared.

Mr. CONNALLY. Mr. President, that is exactly what the Senator from Indiana proposes to do—to tap him on the wrist. He proposes to call him down to the bar of the Senate and say, "Now, Mr. Sergeant at Arms, it is true that you said there were only a few crooks in the Senate, and, therefore, we will just tap you in proportion to the number of crooks you said were here, and we will only give you three taps or four taps on your wrist." [Laughter.]

Mr. GORE. "And without breaking the crystal on your wrist watch." [Laughter.]

Mr. CONNALLY. And without breaking the crystal, as the Senator from Oklahoma suggests, on his wrist watch.

Mr. President, one Senator suggests that Mr. Barry be permitted to resign. For what? If he has done nothing, if he has simply defended the Senate, if he was acting through purity of motives and fine spirit and was trying to help the Senate, what does the Senator want to make him resign for? We ought to keep such an able defender, such a splendid champion of the Senate. The Senator from Indiana says do not drag him down across the Senate floor here and pillory him at the bar of the Senate.

Mr. FESS. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Ohio?

Mr. CONNALLY. I shall yield in a moment. Let me remind the Senator from Indiana that the Sergeant at Arms first dragged the name of the Senate before the whole people of the United States.

Mr. ROBINSON of Indiana. That was not first done by the Sergeant at Arms. That was done long before the Sergeant at Arms wrote the article.

Mr. CONNALLY. Yes; and the Senator from Indiana a little while ago in his remarks said that the Senate and the House of Representatives were being so villified and so abused throughout this country that if to-morrow the people of the country should vote they would probably retire all of us. Will not the Senate aggravate that situation if, in the presence of an admitted libel by a man who is an officer of this body, who is supposed to have knowledge and opportunity of observation—if, in the face of that kind of a libel, the Senate, with its liver turning white, refuses to drive him from the doors of the Senate? I propound that interrogatory to the Senator. I now yield to the Senator from Ohio.

Mr. FESS. Mr. President, the Senator refers to a libel, which ought to be punishable by the courts. Does the Senator think we ought to stop after the present procedure as to the Sergeant at Arms? Would it not be better, if we are going this far, to include action on the part of the magazine which printed the libel? I am asking this in no sense of criticism but in the sense of the duty which the Senate owes to itself. If we are fighting for our dignity and to maintain it, why do we not go to the extent of taking action which will amount to something?

Mr. CONNALLY. Let me say to the Senator that the only way to do a thing is to start at the beginning. When we shall have disposed of the Sergeant at Arms as an officer of the Senate there will be plenty of opportunity and time then to take up other matters. We are dealing now only with the question that is before us, and I do not propose to have my trend of what I hope is thought disturbed by incursions into some other field as to what we may do under some other circumstances. The issue before the Senate is not the trial of Mr. Barry. We are not trying him for a crime or an offense. Senators try to obfuscate the Senate with all their remarks about trial by jury, Anglo-Saxon institutions, and interrogations before grand juries. We are simply dealing with a case of an employee, a man on the pay roll of the Senate, who has libeled the Senate, and who has admitted the libel. It is simply a question of discharg-

ing him from that employment, just as if one of us had an unfaithful servant who raided his pantry or stole his wife's jewelry, he would not keep him in his employment until the grand jury indicted him and tried him and convicted him of theft; he would discharge him the moment he found out he had been unfaithful, and then he would let the court take care of the crime or the offense against the commonwealth.

The Senate is making itself ridiculous when Senators stand upon the floor of the Senate and admit that the Senate has been libeled, that it has been slandered, that its name has been dragged in the dust, and then, instead of simply dismissing an unfaithful and falsely testifying witness against the Senate, seek to continue him in its employ. If the Senate wants to make this matter more ridiculous before the country, it can do so by continuing Mr. Barry as Sergeant at Arms. The Senator from Indiana says that the Senate and the Congress are now in disrepute. If the Senate retains on its roll Mr. Barry one hour longer after it shall have taken a vote on this resolution, it will accentuate that disrepute and that bad odor from one ocean to the other, and the Senator from Indiana ought to know it.

Mr. ROBINSON of Indiana. Mr. President, I take just the other view.

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Indiana?

Mr. CONNALLY. Yes.

Mr. ROBINSON of Indiana. I go quite to the other extreme, and say that if the Senate deliberately discharges an employee for having spoken his mind, it will tend to inflame the country still further against the Senate; it would have a far better effect if the Senate should show itself to be thoroughly just and fair in dealing with an employee who probably talked a little too much.

Mr. CONNALLY. Let me inquire for a moment, what does the country know about this affair? The country knows that Mr. Barry wrote an article in which he said that only a few Senators and Representatives in Congress sold their votes for money. The country knows that he was haled before the Senate, and that he admitted that he wrote the article, but that he had no proof upon which to base the charge. Then, if we retain him, what will the country say? The country will say, "That old fellow Barry told them the truth up there, and those white-livered Senators did not have the nerve to fire him; they were afraid that he would tell something on them." That is what they will say. They may not talk that way in Indiana, but they talk that way in many parts of the Republic when they are suspicious, and the Senator from Indiana says that the country is now suspicious. How much more suspicious will the country be when we retain in the employ of the Senate a self-convicted and self-confessed libeler and slanderer of the Senate's integrity. If there be criminals in the Senate, let Mr. Barry name them. If there be criminals in the other branch of Congress, let Mr. Barry name them. Open up the inquisition.

The only way the Senate will ever maintain its dignity is by bringing those who lie about it, those who slander it, those who traduce it, before the bar of the Senate or of a committee room, making them disgorge the facts, if they have them, and prosecuting those who are guilty, if there be such guilty ones in this body or in the other body, in the courts. Then, and then only, will the Senate maintain its dignity and vindicate its honor and its integrity before the country. I am not afraid to let the witnesses come and point out the Senators or point out the Representatives in Congress and, if there be accusations, remit those accusations to the courts; but the time has come in this Republic, and especially in the Senate, when we have either got to chart a course and pursue it or be branded as cravens and cowards; and that is what the Senate will nearly approach in this case, if it evades or avoids the real issues in this case and says, as does the Senator from Iowa, "He only accused a few Senators of being crooks and bribe takers; he really ought to be discharged, but I am not in favor of discharging him in this way; I want to discharge him some

other way." And the other way he did not point out. "Instead of kicking him out that door there, I want to kick him out this door."

Mr. DICKINSON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Iowa?

Mr. CONNALLY. I shall yield in just a moment; I want to complete my thought so that the Senator may answer it. The position of the Senator from Iowa is that "the resolution says we are going to kick him out the east door; I am in favor of kicking him out, but he ought to be kicked out the west door, and therefore I will not vote to kick him out of either door." I now yield to the Senator.

Mr. DICKINSON. Let me suggest to the Senator that he was not listening to my statement. I did suggest a method by which Mr. Barry could be disposed of, by proper reference to a committee with power to act, without any of this bravado of the famous Senator from Texas, who waves the flag and proclaims the honesty of the United States Senate.

Mr. CONNALLY. O Mr. President, I always listen when the Senator from Iowa speaks; we all listen when the Senator from Iowa takes the floor. We do not always understand, but we listen. [Laughter.]

Mr. President, let me analyze now what the Senator from Iowa suggests. He would have the Senate avoid its responsibilities; he would delegate the authority to act in this case to some committee; he would have that committee act in secret. The accusation against the Senate is made in the public prints; the Associated Press and the other press services have heralded it throughout the United States; but the idea of Anglo-Saxon jurisprudence from the corn section is that we take the Sergeant at Arms down in some little cubby-hole in a secret committee and whisper to him, "Now you are fired." [Laughter.]

Mr. DICKINSON. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Iowa?

Mr. CONNALLY. I yield.

Mr. DICKINSON. I want to suggest that I made a statement. Undoubtedly the Senator was not listening or he paid no attention to what I said. I suggested that Senate committee proceedings are of record; they are published; the proceedings are taken down by stenographers and the findings of the committee become known to the country and to the world. I said that in my remarks.

Mr. CONNALLY. Let me analyze this new edition of the legal code from Iowa. The Senator now says that he would commit it to a committee. The Senate did that on last Friday. The Senate sent this whole case to the Judiciary Committee. The Senator from Iowa is not a member of that committee, it is true, but we sent it to a committee composed of lawyers, and the committee reported back unanimously, I understand, that the Sergeant at Arms ought to be discharged. What kind of a committee does the Senator want to send this matter to—the Committee on the Disposition of Useless Documents? [Laughter.]

Mr. DICKINSON. Mr. President, will the Senator yield?

Mr. CONNALLY. Yes.

Mr. DICKINSON. I suggested that we send the matter to a proper committee with power to act. The Senate sent it to a committee with power to report in here at 4 o'clock on Tuesday to let the Senator from Texas exercise his lungs in making a speech.

Mr. CONNALLY. All right. Now, let us see whether the Senator's proposition will hold water.

He wants to send the matter to a committee with authority to act. The Senate sent it to a committee, the Judiciary Committee, and the Judiciary Committee unanimously acted. It said that Mr. Barry ought to be discharged. Now, all in the world the Senate has to do is to stand by what it did when it referred the matter to the committee and approve the committee's action. The Senate has done exactly what the Senator from Iowa says he now wants done; and when it gets back here the Senator from Iowa is going out of the other door, abandoning the matter!

Mr. BARKLEY and Mr. DICKINSON addressed the Chair. The PRESIDENT pro tempore. To whom does the Senator from Texas yield?

Mr. CONNALLY. I yield to the Senator from Kentucky.

Mr. BARKLEY. Mr. President, the Sergeant at Arms is an elective officer of the Senate.

Mr. CONNALLY. Certainly.

Mr. BARKLEY. He is elected in open session by the votes of Senators.

Mr. CONNALLY. Yes.

Mr. BARKLEY. If the Senate had referred this case to a committee with power to act, they would have had to report back to the Senate what they had done, and we would have been called upon to approve or disapprove of what they had done, which is exactly what we are called on to do now.

Mr. CONNALLY. Absolutely; of course.

Mr. BARKLEY. And if they had fired the Sergeant at Arms in their capacity as a committee—which they probably could not have done, in view of the fact that he is an elective officer—we still would have had to pass on it.

Mr. CONNALLY. Why, to be sure. The Senator from Kentucky states the fact; but the chances are—

Mr. DICKINSON. Mr. President, will the Senator yield?

Mr. CONNALLY. In just a moment. The chances are, however, that had we done that the Senator from Iowa would be on the floor saying, "The Senate must act on this matter. I think this man ought to be fired, but I do not propose to let any one little committee fire him. We must have it out in the open on the floor of the Senate." The tactics of the Senator from Iowa are not unlike those of many attorneys who practice at the bar and defend criminals.

Mr. DICKINSON. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. DICKINSON. It is perfectly within the power of the Senate to refer this matter to the Rules Committee, or to some other committee, with power to act, with no requirement to report back here. Then the Senator from Texas could not make a speech on it.

Mr. CONNALLY. Will the Senator vote to let the Judiciary Committee dispose of it?

Mr. DICKINSON. I will vote for that.

Mr. CONNALLY. Then why does not the Senator vote to approve what the committee has done?

Mr. DICKINSON. Oh, no!

Mr. CONNALLY. No.

Mr. DICKINSON. What the Senator from Texas is doing is this: He wants to get the matter here on the floor of the Senate, where he can parade it to the Senate. [Laughter in the galleries.]

The PRESIDENT pro tempore. All Senators will suspend. The present occupant of the Chair has heretofore cleared the galleries. If the occupants of the galleries can not observe the rules of the Senate the galleries will be cleared again.

Mr. CONNALLY. Mr. President, I rather suspect that the reason why the Senator from Iowa wants this matter sent to a secret committee, and heard behind closed doors, is so that the Sergeant at Arms then will not know who voted against him and who voted for him, and he will not "get in bad" with the politicians and the organizations.

Mr. President, I have said more than I intended to say, and probably more than I should have said. What is the Senate presented with? Not a trial of Warren Hastings for his conduct in India. We have not Andrew Johnson before us to impeach him for high crimes and misdemeanors. We are simply confronted with a little simple issue of whether or not we want to keep in the employ of the Senate a man who, in the public prints and before the bar of the Senate, has admitted that he has traduced and libeled the Senate, and that he is not in possession of one particle of evidence to sustain the malicious and unfounded charges which he has made.

If he has committed any offense that is cognizable in the courts, that matter is for the courts and not for the Senate. I do not want to pursue this case and try to bring him here

and try him for a crime; but I, as one Senator, am unwilling that there shall remain in the employ of the Senate—and he can only remain in the employ of the Senate by the approval of the Senate; by the agreement of the Senate that he shall remain—I am not willing to continue in the employ of the Senate for one hour or for one-half hour a man who admittedly has taken advantage of those who trusted him, who has drawn emoluments as a matter of grant and gift from the Senate, who has enjoyed the confidences and associations here with Senators, and then, for the sake of money—for the sake of money!—libels the Senate. I say "for the sake of money," because everybody knows that he could not have sold his article if he had not had some sensational statement of that kind in it.

He bartered for gold a libel on the Senate of the United States; and I, for one, believe that those who are abusing and libeling the Senate, when they accuse Members of either body of being bribe takers or crooks, ought to be brought before this bar, or ought to be sent before the grand jury. Let them be pilloried; let them be caused to disgorge their information; and if there be any crooks in this body, if there be any bribe takers here or in the other body, the country demands, the honor of the Senate demands, and our own sense of self-respect and honesty and integrity demands, that they be forced to name them, and that those who may be guilty be sent to the courts for trial.

The time has come in this country for the Senate of the United States to assert its own dignity and its own integrity. The Senator from Indiana says that nobody else will or can.

Mr. GLENN obtained the floor.

SEVERAL SENATORS. Vote!

Mr. GLENN. Mr. President, I send to the desk a resolution which I offer as a substitute for the pending resolution and move its adoption.

The PRESIDENT pro tempore. The amendment, in the nature of a substitute, will be stated.

The CHIEF CLERK. The Senator from Illinois [Mr. GLENN] offers the following substitute:

Whereas David S. Barry, when Sergeant at Arms of the Senate, caused to be published in the New Outlook, a magazine of general circulation, an article which reflects upon the integrity of Members of both Houses of the Congress;

Whereas upon a hearing the said Barry admits he does not have in his possession any facts substantiating such statements made in said article;

Whereas the said article impugns the honor of the Members of Congress;

Resolved, That such conduct upon the part of an employee of the Senate be, and the same is hereby, condemned; and the fact that Mr. Barry has in the Senate and before the committee repeatedly disavowed any intention of reflecting upon the honor of the Congress makes any further punishment unnecessary.

Further resolved, That said David S. Barry be, and he is hereby, reinstated as Sergeant at Arms of the Senate.

The PRESIDENT pro tempore. The question is on agreeing to the amendment in the nature of a substitute proposed by the Senator from Illinois.

Mr. ROBINSON of Arkansas. I call for the yeas and nays.

The PRESIDENT pro tempore. On this question the yeas and nays are demanded. Is the demand sufficiently seconded?

The yeas and nays were ordered.

Mr. NORRIS. Mr. President, before we vote on this substitute I want to say just a few words, some of them in rebuttal, in reply to some of the arguments that have been made during the course of this discussion.

First, what is before us?

The Sergeant at Arms admittedly charged some Members of the Senate with selling their votes for money. It is admitted that he has no evidence of any such Member of the Senate or of the House. He claims that he wrote the article in defense of the Senate; but, as I said before, if Senators will read the article from beginning to end, they will find that it is a condemnation. As far as some of the other criticisms are concerned, like the one where we were called demagogues, I am passing it over. I am only suggesting it

to controvert the claim that the Sergeant at Arms was writing this article in defense of the Senate. There is not one word of defense, not one word except of censure, from beginning to end.

The Senator from Kentucky [Mr. LOGAN] argues that Mr. Barry was defending the Senate. The Senator from Indiana over here [Mr. ROBINSON], a member of the Judiciary Committee—who, by the way, this morning voted for the resolution that I offered in the committee—says, "Why, there is nothing to this excepting that Mr. Barry is repeating the general story that is going on all over the country." He does not even claim that it is a defense of the Senate, as the Senator from Kentucky and the author of the article claim. He says we should not pay any attention to it because Mr. Barry is saying what a great many other people are saying.

Mr. CONNALLY. Mr. President—

Mr. NORRIS. I yield to the Senator from Texas.

Mr. CONNALLY. Does the Senator from Nebraska mean to say that the Senator from Indiana [Mr. ROBINSON] voted in the committee with the Senator from Nebraska for this resolution?

Mr. NORRIS. The vote in the committee for the report of this resolution was unanimous.

Mr. CONNALLY. Does the Senator mean the junior Senator from Indiana [Mr. ROBINSON]?

Mr. NORRIS. That is who I mean.

Mr. CONNALLY. The same Senator who made a speech a while ago?

Mr. NORRIS. Yes; the same Senator. That Senator, there in the committee, as he said on the floor, voted for a substitute which he offered. That motion was defeated; and then the roll call was had in the Judiciary Committee, and every member present voted "yea" in favor of the report which I have made, which is the pending resolution.

Mr. ROBINSON of Indiana. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Indiana?

Mr. NORRIS. I yield to the Senator.

Mr. ROBINSON of Indiana. When we voted on the resolution, it was to report it out and get it before the Senate.

Mr. NORRIS. Yes.

Mr. ROBINSON of Indiana. That is as far as I went, and as far as I ever go. That is as far as I ever go on a report out of a committee.

Mr. NORRIS. All right.

Mr. ROBINSON of Indiana. I always reserve the right to vote on any bill that comes before this body, or any measure that comes before it, as my conscience dictates.

Mr. NORRIS. I am not finding fault with the Senator. He evidently has experienced a change of heart since this morning.

Mr. ROBINSON of Indiana. No; I have experienced no change of heart in the slightest degree.

Mr. NORRIS. The Senator voted in the Judiciary Committee in favor of a motion made directing the chairman to report to the Senate the resolution which I have reported.

Mr. ROBINSON of Indiana. Mr. President, that is exactly correct, and that is frequently done, to get it on the floor, Senators reserving the right always to vote the way they choose on the resolution when it comes on the floor for discussion. I did that with the Philippine bill. There were many amendments to that bill which I could not agree to, though I voted to report it out of committee, but when the measure came down here I voted my judgment on the amendments. That is the same thing that I think every Senator does in committee; he reserves the right to vote as he chooses.

Mr. NORRIS. No; I do not think that is the same thing, although I am not complaining. The Senator has a right to do it. I take it for granted, from the remarks the Senator has made, that something has come over the spirit of his dreams between this forenoon and this afternoon.

Mr. ROBINSON of Indiana. No, Mr. President. If the Senator will remember what I said here last Friday, and in the committee room to-day, he will find that my conduct

has been completely consistent in everything I have done and in everything I have said.

Mr. NORRIS. I remember what the Senator said; and it seems to me he is about in the same situation as the Senator from Iowa [Mr. DICKINSON], who thinks this man has committed an offense for which he ought to be removed, but he is going to vote against his removal because, as he says, we have not gone at the matter in the right way. Yet from the time we began until this report came here in the Senate, never once did the Senator from Iowa raise his great, eloquent voice in opposition to the procedure which the Senate was taking.

Mr. DICKINSON. Mr. President, will the Senator yield?

Mr. NORRIS. Yes; I yield.

Mr. DICKINSON. I voted against the Senator's motion to dismiss this man summarily at that time. I voted for the substitute.

Mr. NORRIS. All right. I have not disputed that; but the Senator now is saying, "This man ought to be removed, but I am not going to vote to remove him." Why, of course; the Senator is stubborn. He can go on and do that just as he pleases; but he says, "I am not going to vote to remove him, although I believe he ought to be removed, because I do not like the procedure." What I said—and the RECORD will bear me out—is that from the beginning up to the present discussion this afternoon the Senator from Iowa never raised his voice in objecting to the procedure that has been taken.

Mr. DICKINSON. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. DICKINSON. I want to suggest to the Senator that I have not been in the Senate very long, and I did not know that it was necessary for every Member of the Senate to make a 2-hour speech before an incidental matter of this kind could be disposed of.

Mr. NORRIS. I did not either, nor does anyone else; but the Senator has been in Congress long enough, and he has been in the Senate long enough, to know that I tell the truth when I say that during all the course of these proceedings he never objected. When the matter was referred to the committee, the Senator voted for it. The Senator voted to refer it to the committee. Now he says it never ought to have gone there—

Mr. DICKINSON. Oh, no.

Mr. NORRIS. That it ought to have gone to a committee with full instructions to go into it. Why did not the Senator object then? Why did he not then offer an amendment giving the committee full authority to go into it?

Mr. DICKINSON. I would have been glad to do that if I had been handling the matter, and I think that would have been the judicious course.

Mr. NORRIS. The Senator was not handling it, and probably is not handling it now, not even his own vote.

Mr. DICKINSON. I shall offer a substitute, if this one is not carried, which will show that I have a mind of my own, and I do not need to consult with a lot of Senators before I cast my vote.

Mr. NORRIS. If the Senator has a substitute which will show that he has a mind of his own, let him offer it; I would like to see it.

Mr. DICKINSON. I want to suggest that I have a mind of my own, and I do not need to confer with the Senator from Nebraska before I exercise it.

The PRESIDENT pro tempore. The Senator from Iowa will suspend. May the Chair intimate that Rule XIX seems to be perilously near infraction?

Mr. NORRIS. Oh, no, Mr. President; we have gotten to the condition in the Senate now when the man who calls us crooks, when the man who says we sell our votes for money, is to be lauded up to the skies as a great hero. We are going to give him a bouquet, we are going to reinstate him, we are going to apologize for ever saying or even thinking that a man who says that we are criminals and sell our official votes for cash should be removed from office. We are going to apologize for ever thinking of such a thing as discharging that employee of the Senate.

The discharge of this man is the only action we are to take. That is all we are called upon to do. That is all we are considering. We have a hired man who has said that we were crooks, who has said that there were some of us who sold our votes for cash, and then when he is called upon to name those who did that, though he said they were well known, he states he does not know anything about it, that he has no such evidence.

Mr. President, the question is, Shall we keep him in our employ? There is no criminal case here. There is a resolution pending in the Committee on the Judiciary to refer the entire matter to the district attorney under the statute to see whether there should be a prosecution. And that reminds me of what the Senator from Illinois so ably and so eloquently stated about my not calling Governor Smith to the witness stand or not calling some owner of the Outlook to the witness stand.

Let me say to the Senator that before the Committee on the Judiciary there is now pending a resolution, offered by the senior Senator from Montana [Mr. WALSH], which would go into that very thing. I want to say, for the benefit of the Senator from Illinois, that this man Barry, while under oath, was asked whether he ever had a talk with Mr. Smith, whether he ever had a letter from him, whether he ever had any communication or conference with him, and he said, "None." The man from the New Outlook he had seen, the man who had written to him, the man with whom he had conferred about this article was the owner of the New Outlook, Mr. Tichenor; I think that is his name.

Mr. GLENN. Mr. President, will the Senator yield?

Mr. NORRIS. In just a moment. That matter the Senate may go into; I have not any objection. But we can not go into it in connection with this matter. We have before us now just the question of what we shall do with an employee of the Senate who has disgraced the Senate in the eyes of the country and in the eyes of the world by calling us crooks and demagogues.

Mr. GLENN. Mr. President, will the Senator yield now?

Mr. NORRIS. I yield.

Mr. GLENN. Does not the Senator know, as an able lawyer and a judge, as he is, that the publisher of the magazine is equally guilty with the writer of the article in the eyes of the law?

Mr. NORRIS. Very well; we will take that—

Mr. GLENN. Is not that the law?

Mr. NORRIS. Yes.

Mr. GLENN. Does the Senator from Nebraska not further know, not as a lawyer but as a citizen and a man acquainted with public affairs, that nothing will ever be done with Gov. Alfred Smith in this matter?

Mr. NORRIS. I do not believe there is anything that can be done with Alfred Smith in this matter, if the Senator wants my answer.

Mr. GLENN. Does not the Senator know that there never will be any bona fide effort to do anything with him?

Mr. NORRIS. I will tell the Senator this: I will vote for a resolution for the appointment of a committee of three, of which the Senator from Illinois shall be chairman, the Senator from Indiana [Mr. ROBINSON] shall be a member, and the Senator from Iowa [Mr. DICKINSON] shall be the other member, giving them authority to investigate, to subpoena witnesses, to call Mr. Smith or anybody else they want to call.

Mr. GLENN. Why not do that all at once, instead of singling out this weak, poor man?

Mr. NORRIS. It is an entirely different proposition.

Mr. GLENN. There is nothing different about it. They were all concerned in the same publication.

Mr. NORRIS. No; they were not all concerned.

Mr. GLENN. You singled out a weak man, who could not defend himself.

Mr. NORRIS. As far as the testimony is concerned, the record shows that nobody ever communicated with Mr. Smith.

Mr. GLENN. Find out about it. It was his duty to know something about it.

Mr. NORRIS. We asked Mr. Barry about it, your saint, the man who said we were crooks, this old, decrepit man we are about to overthrow and tear to pieces and shed his blood all over the Senate floor.

Mr. GLENN. Let us be frank about it.

The PRESIDENT pro tempore. Senators—

Mr. GLENN. It was not because he said somebody was a crook, but because he said there were some demagogues in the Senate. That is the fact about it.

Mr. NORRIS. No; it was because he said we were crooks. After I listened to the Senator from Illinois this afternoon I began to wonder whether Mr. Barry had not told the truth when he spoke about demagogues in the Senate.

The PRESIDENT pro tempore. Senators will suspend.

Mr. NORRIS. The Senator from Illinois is a lawyer. He knows that these things are not necessarily connected at all. Let us dispose of this matter.

Mr. GLENN. Let us dispose of this whole thing at once.

Mr. NORRIS. We can not dispose of them at once.

The PRESIDENT pro tempore. Senators will take their seats. All Senators will suspend. As Vice President Marshall once said, it is about time for the Chair to take a hand. The rules of the Senate provide that exchanges of the sort that have been going on for the last few minutes may not proceed. The Senator from Nebraska has the floor. To whom does he yield?

Mr. NORRIS. I do not yield to anyone.

The PRESIDENT pro tempore. The Senator retains the floor.

Mr. NORRIS. Mr. President, the Senator from Illinois is one of the best lawyers in the country. He will not deny that himself. [Laughter.]

Mr. GLENN. Second only to the esteem in which the Senator from Nebraska holds himself. [Laughter.]

Mr. NORRIS. I accept the amendment. If the owner or publisher or editor of the New Outlook is to blame, and the Senator wants to go after any one of them, I will do all I can to give him the authority to do it, and I mean what I say.

Mr. GLENN. Will the Senator yield?

Mr. NORRIS. No; let me finish first.

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Illinois?

Mr. NORRIS. Not now. I want to say to the Senator that I mean it when I say that I am in favor of appointing a committee, of which the Senator from Illinois [Mr. GLENN] shall himself be chairman, the Senator from Indiana [Mr. ROBINSON] shall be another member, and the Senator from Iowa [Mr. DICKINSON] shall be the third, and give them all the authority they may ask for to go into the matter just as far as they desire.

Mr. GLENN. Mr. President, will the Senator yield now?

Mr. NORRIS. I yield.

Mr. GLENN. It does seem to me that that indicates that the Senator from Nebraska has lost his judicial poise.

Mr. NORRIS. Perhaps I have, in suggesting the Senator from Illinois as chairman of the committee; I do not know.

Mr. GLENN. The Senator said he would select on that committee three men, all of whom had taken a decided position upon this matter.

Mr. NORRIS. Very well. I want to give the Senator all the rope he wants. I want him to go the full length he desires to go, and I will not put anything in his road.

We have before us the case of Mr. Barry. Is he guilty of making a false charge against Members of the Senate and the House of Representatives, or not? If he is guilty, do we want to keep him longer in our employ? There is no criminal charge involved in the resolution. There is nothing provided for but the simple discharge of an employee of the Senate who has admitted that he called us crooks and demagogues without any reason for it whatever.

Mr. BLACK. Mr. President, will the Senator yield to me?

Mr. NORRIS. If we have any self-respect for ourselves and our colleagues and for the reputation of this body, I do not see how we can say we should give him a chromo instead of punishing him for telling the falsehoods he admits he told without cause. I yield to the Senator from Alabama.

Mr. BLACK. Does the Senator believe that if Alfred E. Smith, the gentleman about whom the Senator from Illinois has been speaking, had been the Sergeant at Arms who wrote this article, we would have the advantage of the eloquent defense made by the Senator from Illinois?

Mr. NORRIS. Oh, no, indeed.

Mr. BLACK. And the Senator from Indiana and the Senator from Iowa?

Mr. NORRIS. No; instead of trying to defend him and shield him from just punishment we would have had them outraged at the terrible indignity that had been flung at the United States Senate.

Mr. President, the evidence is uncontradicted; it can not be contradicted, because it is the testimony of Mr. Barry, the saint, the man who never did a wrong, who can slap us in the face, call us thieves, call us demagogues, call us men who are bribed in our official capacity, and still we give him a flower, a bouquet, and say, "Go on your way; you are all right; you are only saying"—as the Senator from Indiana put it—"what other people have said who are not employees of the Senate and over whom we do not have jurisdiction."

This man testified, and I presume he told the truth, that the only person connected with the New Outlook with whom he had any communication or any conference was Mr. Tichenor, whom he said he understood to be the owner of the magazine. There is a resolution pending in the Judiciary Committee now under which whoever else is liable, if anybody, could be reached, and that resolution would probably have been acted on to-day if we had time.

Mr. GLENN. Mr. President, will the Senator yield again?

Mr. NORRIS. I yield.

Mr. GLENN. Does the Senator believe that the Hon. Alfred Smith, in his capacity as editor in chief of that great magazine, does not even look at the articles which are published in it?

Mr. NORRIS. I do not know anything about that. I do not know, and I do not care. It does not make any difference to me. I suppose if the owner of the magazine comes to Washington and makes a deal with an officer of the Senate for \$250 for an article that is sensational, he can go back and publish it in the magazine without consulting the editor. I have an idea that as owner of the publication he can do what he pleases about it. If anything different from that happened, I do not know anything about it. I am not objecting to any further investigation anybody wants to have made.

Now we are confronted with a substitute which would whitewash the whole matter, which would whitewash this thing, one of the most disgraceful things, it seems to me, that have been heard of since I have been a member of this body. Senators talk about this man being so timid, so embarrassed, when for 14 years he has had the privilege of this floor. He has had all the privileges which go with his office, one of the highest offices in the Senate. Think of such a thing as his being embarrassed in the presence of the Senate. He has been in the presence of the Senate for 14 years.

That is not all, however. The matter was referred to the Committee on the Judiciary. Mr. Barry was not dragged before the committee, as some of the Senators would have us believe. They would try to give the impression that we went out and took him by the back of the neck and the seat of the pants and took him in there. Nothing of that kind happened. In a letter, which Senators may read, which I think will be admitted to be courteous, he was notified that the committee would meet in the room of the Committee on the Judiciary at 10.30 o'clock, and he was asked by the chairman in the letter to go to the office of the Sergeant at Arms so that he could be called in case the committee wanted to hear him further. Then the letter said, "If you want to be called, if you want to testify further, let me know, and I will lay your request before the committee, and it will undoubtedly be granted."

He did make that request of the chairman, it was laid before the committee, and immediately the committee

unanimously, without any objection, said, "Why, of course, have him come." We telephoned to the office of the Sergeant at Arms, but could not find him; he was not there. We were told at the Sergeant at Arms' office that he was in the Committee on Rules, presided over by the honorable Senator who now sits in the presiding officer's chair, the President pro tempore of this body. We telephoned there and he came. He explained that he had received my request to go to the office of the Sergeant at Arms, but did not feel like going there because he had been suspended from the office. I have no fault with him on that point.

He went to the Committee on Rules because, after the Senate took the action that we took the other day, the chairman of the Committee on Rules gave him a key to the room of the Committee on Rules, and said, "Make that your headquarters," and so he went to the Committee on Rules, his headquarters. From there he came to the Judiciary Committee.

There was no forcing about it. He made the request himself. Nobody urged him to come. He asked to come. If we had refused to let him come, then the Senators who are kicking us now would have been complaining because this great committee arbitrarily refused to let this poor, weak man come before us when he asked to do so. We granted his request; and to show that he had deliberated on the matter, he read his statement in writing, under oath, the statement the Senator from Connecticut has read here. There was no coercion. He was perfectly free. He prepared it I do not know when, but he was given the opportunity to read his statement without interruption. Then he was questioned about it.

Mr. CONNALLY. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Texas?

Mr. NORRIS. I yield.

Mr. CONNALLY. Did I understand the Senator from Nebraska to say that the Sergeant at Arms, when he was sought, was in the Rules Committee room?

Mr. NORRIS. Yes.

Mr. CONNALLY. Is not that the committee to which the Senator from Iowa wanted this affair referred?

Mr. NORRIS. The President pro tempore wanted it referred to the Rules Committee the other day, and made the suggestion a couple of times from the chair. Some mention was made to-day in the debate that when that was suggested we protested vigorously against it.

Mr. CONNALLY. When the Senator from Iowa [Mr. DICKINSON] suggested that the proper course to pursue would be to refer it to a committee and let them act on it, and he mentioned among others the Committee on Rules, I wondered if he anticipated sending it to that committee.

Mr. NORRIS. Another thing I want to say is that at the meeting yesterday morning when Mr. Barry was there, he was accompanied by his lawyer. He was accompanied by his lawyer this morning. At one time in the course of the examination, before he answered he asked permission to consult his lawyer, and this cruel hard-hearted committee did not object. We let him consult with his lawyer, and we suspended operations until he had a whispered conversation with him. When he got through we went on. That is the way he was abused by this hard-hearted committee. That is the way this man's blood was drawn and scattered over the committee room by that kind of a committee. He had his own way. He came there because he wanted to come. He came with his lawyer. He had a prepared statement which he was permitted to read and then, of course, was questioned and never once, except when he referred to his attorney, did he object to a question. Then he asked permission to consult his attorney; he did consult with him, and answered after he had held his consultation.

Under these circumstances it seems to me, as I look at it, if the Senate has any regard for its honor or the honor of its Members, it can not do anything but vote down the proposed substitute and pass through the Senate the resolution reported by the Judiciary Committee.

SEVERAL SENATORS. Vote! Vote!

The PRESIDENT pro tempore. If the Chair may be permitted to state the question first, the Senator from Nebraska offers the following resolution:

Resolved, That David S. Barry be, and is hereby, removed from the office of Sergeant at Arms and Doorkeeper of the Senate.

The Senator from Illinois offers the following resolution as a substitute:

Whereas David S. Barry, when Sergeant at Arms of the Senate, caused to be published in the New Outlook, a magazine of general circulation, an article which reflected upon the integrity of the Members of both Houses of Congress;

Whereas upon a hearing the said Barry admits he does not have in his possession any facts substantiating such statements made in said article;

Whereas the said article tends to impugn the honor of the Members of the Congress:

Resolved, That such conduct upon the part of an employee of the Senate be, and the same is hereby, condemned; and the fact that Mr. Barry has in the Senate and before the committee repeatedly disavowed any intention of reflecting upon the honor of the Congress makes any further punishment unnecessary: Be it further

Resolved, That said David S. Barry be, and he is hereby, reinstated as Sergeant at Arms of the Senate.

The question is on agreeing to the substitute proposed by the Senator from Illinois. Upon this question the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BRATTON (when his name was called). Transferring my pair with the junior Senator from Nebraska [Mr. HOWELL] to the junior Senator from Georgia [Mr. RUSSELL], I vote "nay."

Mr. LA FOLLETTE (when Mr. CUTTING's name was called). I was requested to announce that the junior Senator from New Mexico [Mr. CUTTING] is unavoidably absent temporarily from the Chamber. If he were present, he would vote "nay."

The PRESIDENT pro tempore (Mr. MOSES, when his name was called). I have a general pair with the senior Senator from Louisiana [Mr. BROUSSARD]. I transfer that pair to the junior Senator from California [Mr. SHORTRIDGE], and vote "yea."

Mr. ODDIE (when his name was called). On this question I have a pair with the junior Senator from South Dakota [Mr. BULOW]. If that Senator were present, he would vote "nay." If I were permitted to vote, I would vote "yea."

Mr. ROBINSON of Indiana (when his name was called). I have a general pair with the junior Senator from Mississippi [Mr. STEPHENS]. I am unable to obtain a transfer. In his absence I withhold my vote. If permitted to vote, I would vote "yea."

The roll call was concluded.

Mr. BINGHAM. Mr. President, has the junior Senator from Virginia [Mr. GLASS] voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. BINGHAM. I have a general pair with that Senator. Being unable to obtain a transfer I withhold my vote. If permitted to vote, I would vote "yea."

Mr. GLENN (after having voted in the affirmative). I find that the senior Senator from Virginia [Mr. SWANSON], with whom I have a general pair, is absent and has not voted. Therefore, I withdraw my vote.

Mr. HATFIELD. I have a general pair with the senior Senator from Oklahoma [Mr. THOMAS]. In his absence I withhold my vote. If permitted to vote I would vote "yea."

Mr. FESS. I desire to announce the following general pairs:

The Senator from Wyoming [Mr. CAREY] with the Senator from Louisiana [Mr. LONG]; and

The Senator from Pennsylvania [Mr. DAVIS] with the Senator from Kentucky [Mr. LOGAN].

Mr. NORRIS. I desire to announce the absence of my colleague, the junior Senator from Nebraska [Mr. HOWELL] on official business of the Senate.

The result was announced—yeas 15, nays 56—as follows:

YEAS—15

Austin	Dickinson	Hale	Moses
Barbour	Fess	Hastings	Townsend
Couzens	Goldsborough	Hebert	Walcott
Dale	Grammer	Metcalfe	

NAYS—56

Ashurst	Coolidge	Keyes	Schuyler
Bailey	Copeland	La Follette	Sheppard
Bankhead	Costigan	McGill	Smith
Barkley	Dill	McKellar	Steinwer
Black	Fletcher	McNary	Thomas, Idaho
Blaire	Frazier	Neely	Trammell
Bratton	George	Norris	Tydings
Brookhart	Gore	Nye	Vandenberg
Bulkeley	Harrison	Patterson	Wagner
Byrnes	Hayden	Pittman	Walsh, Mass.
Capper	Hull	Reed	Walsh, Mont.
Caraway	Johnson	Reynolds	Watson
Clark	Kean	Robinson, Ark.	Wheeler
Connally	Kendrick	Schall	White

NOT VOTING—25

Bingham	Glass	Logan	Shipstead
Borah	Glenn	Long	Shortridge
Broussard	Hatfield	Norbeck	Smoot
Bulow	Howell	Oddie	Stephens
Carey	King	Robinson, Ind.	Swanson
Cutting	Lewis	Russell	Thomas, Okla.
Davis			

So Mr. GLENN's substitute was rejected.

The PRESIDENT pro tempore. The question recurs upon the resolution proposed by the Senator from Nebraska [Mr. NORRIS].

Mr. DICKINSON. Mr. President, I offer the following motion in the nature of a substitute.

The PRESIDENT pro tempore. It will be reported for the information of the Senate.

The LEGISLATIVE CLERK. The Senator from Iowa moves—

That the pending resolution be referred to the Committee on Rules, with power to reconsider the complaint against Sergeant at Arms David S. Barry, to reinstate, reprimand, or dismiss said official of the Senate.

The PRESIDENT pro tempore. The question is on agreeing to the substitute proposed by the Senator from Iowa.

Mr. DICKINSON. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. BINGHAM. Mr. President, I ask the Senator from Iowa if he will explain the purpose of his motion?

Mr. DICKINSON. Mr. President, my purpose is that if the Senate gets into a difficulty of this kind again there should be some precedent established. I do not favor this type of procedure. I thoroughly believe some committee ought to be given jurisdiction of complaints of this kind. It is my understanding that the Rules Committee have charge of the personnel of the Senate. They should have jurisdiction of all matters of this kind, in my judgment. That being the case, I have made this suggestion.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield for a question? I desire to ask if, by proposing the amendment, the Senator intends to imply any reflection upon the judgment of the Committee on the Judiciary?

Mr. DICKINSON. Not at all. The Judiciary Committee was instructed to report back to the Senate. They did so in accordance with their judgment, and there is no reflection whatsoever upon them.

SEVERAL SENATORS. Vote!

The PRESIDENT pro tempore. The question is on agreeing to the motion submitted by the Senator from Iowa [Mr. DICKINSON].

Mr. BINGHAM. Let the motion be stated.

The PRESIDENT pro tempore. The motion will be read.

The LEGISLATIVE CLERK. The Senator from Iowa moves—

That the pending resolution be referred to the Committee on Rules with power to reconsider the complaint against Sergeant at Arms David S. Barry and reinstate, reprimand, or dismiss said official of the Senate.

The PRESIDENT pro tempore. The yeas and nays having been already ordered upon this question, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BRATTON (when his name was called). Repeating the announcement of my pair and its transfer, I am at liberty to vote, and I vote "nay."

Mr. HATFIELD (when his name was called). Repeating the statement of my pair, as previously announced, I withhold my vote. If permitted to vote, I should vote "yea."

The PRESIDENT pro tempore (when the name of Mr. MOSES was called). Repeating the announcement of my pair and its transfer as on the previous vote, I vote "yea."

Mr. ODDIE (when his name was called). Repeating the announcement I made a few moments ago regarding my pair, I will state that if the junior Senator from South Dakota [Mr. BULOW], with whom I am paired, were present he would vote "nay," and if I were permitted to vote I should vote "yea."

Mr. ROBINSON of Indiana (when his name was called). Again announcing my general pair with the junior Senator from Mississippi [Mr. STEPHENS], I withhold my vote.

Mr. TYDINGS (when his name was called). On this vote I have a general pair with the senior Senator from Rhode Island [Mr. METCALF]. Not knowing how he would vote, I withhold my vote.

The roll call was concluded.

Mr. BINGHAM (after having voted in the affirmative). Am I correct in understanding that the junior Senator from Virginia [Mr. GLASS] has not voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. BINGHAM. Then, on account of my general pair with that Senator, I must withdraw my vote.

Mr. LA FOLLETTE. Repeating the same announcement made on the last roll call concerning the unavoidable absence of the junior Senator from New Mexico [Mr. CUTTING], I wish to announce that if present he would vote "nay."

Mr. NORRIS. I desire to announce that my colleague the junior Senator from Nebraska [Mr. HOWELL] is absent on official business of the Senate.

Mr. FESS. I desire to announce the following general pairs:

The Senator from Wyoming [Mr. CAREY] with the Senator from Louisiana [Mr. LONG]; and

The Senator from Pennsylvania [Mr. DAVIS] with the Senator from Kentucky [Mr. LOGAN].

The result was announced—yeas 10, nays 58, as follows:

YEAS—10

Dale	Goldsborough	Keyes	Walcott
Dickinson	Grammer	Moses	White
Fess	Hebert		

NAYS—58

Ashurst	Connally	Johnson	Schuyler
Austin	Coolidge	Kean	Sheppard
Bailey	Copeland	La Follette	Smith
Bankhead	Costigan	McGill	Steinwer
Barbour	Couzens	McKellar	Thomas, Idaho
Barkley	Dill	McNary	Townsend
Black	Fletcher	Neely	Trammell
Blaine	Frazier	Norris	Vandenberg
Bratton	George	Nye	Wagner
Brookhart	Gore	Patterson	Walsh, Mass.
Bulkley	Hale	Pittman	Walsh, Mont.
Byrnes	Harrison	Reed	Watson
Capper	Hastings	Reynolds	Wheeler
Caraway	Hayden	Robinson, Ark.	
Clark	Hull	Schall	

NOT VOTING—28

Bingham	Glass	Logan	Shipstead
Borah	Glenn	Long	Shortridge
Broussard	Hatfield	Metcalf	Smoot
Bulow	Howell	Norbeck	Stephens
Carey	Kendrick	Oddie	Swanson
Cutting	King	Robinson, Ind.	Thomas, Okla.
Davis	Lewis	Russell	Tydings

So Mr. DICKINSON's motion was rejected.

The PRESIDENT pro tempore. The question recurs on the resolution reported by the Senator from Nebraska [Mr. NORRIS].

Several Senators called for the yeas and nays, and they were ordered.

The Legislative Clerk proceeded to call the roll.

Mr. BRATTON (when his name was called). Making the same announcement concerning my pair and its transfer as on the preceding vote, I vote "yea."

Mr. LA FOLLETTE (when Mr. CUTTING's name was called). The junior Senator from New Mexico [Mr. CUTTING] is unavoidably temporarily absent from the Senate. If present, he would vote "yea."

Mr. HATFIELD (when his name was called). I have a general pair with the senior Senator from Oklahoma [Mr. THOMAS]. In his absence I withhold my vote. If permitted to vote, I should vote "nay."

The PRESIDENT pro tempore (when the name of Mr. MOSES was called). Making the same announcement of my pair and its transfer as previously, I vote "nay."

Mr. ODDIE (when his name was called). I have a pair with the junior Senator from South Dakota [Mr. BULOW]. If he were present, he would vote "yea." If I were permitted to vote, I should vote "nay."

Mr. ROBINSON of Indiana (when his name was called). I am unable to obtain a transfer of my general pair with the junior Senator from Mississippi [Mr. STEPHENS]. Therefore, I withhold my vote. If permitted to vote, I should vote "nay."

Mr. TYDINGS (when his name was called). On this vote I have a general pair with the senior Senator from Rhode Island [Mr. METCALF]. Not knowing how he would vote, I withhold my vote. If permitted to vote, I should vote "yea."

Mr. McNARY. I desire to announce the following general pairs:

The Senator from Wyoming [Mr. CAREY] with the Senator from Louisiana [Mr. LONG]; and

The Senator from Pennsylvania [Mr. DAVIS] with the Senator from Kentucky [Mr. LOGAN].

Mr. NORRIS. I desire to announce the absence of my colleague the junior Senator from Nebraska [Mr. HOWELL] on official business of the Senate.

The result was announced—yeas 53, nays 17, as follows:

YEAS—53

Ashurst	Coolidge	Lewis	Sheppard
Austin	Costigan	McGill	Smith
Bailey	Dill	McKellar	Steinwer
Bankhead	Fletcher	McNary	Thomas, Idaho
Barkley	Frazier	Neely	Trammell
Black	George	Norris	Vandenberg
Blaine	Gore	Nye	Wagner
Bratton	Harrison	Patterson	Walsh, Mass.
Brookhart	Hayden	Pittman	Walsh, Mont.
Bulkley	Hull	Reed	Watson
Byrnes	Johnson	Reynolds	Wheeler
Caraway	Kean	Robinson, Ark.	
Clark	Kendrick	Schall	
Connally	La Follette	Schuyler	

NAYS—17

Barbour	Dale	Hale	Moses
Bingham	Dickinson	Hastings	Townsend
Capper	Goldsborough	Hebert	Walcott
Copeland	Grammer	Keyes	White
Couzens			

NOT VOTING—26

Borah	Glass	Metcalf	Smoot
Broussard	Glenn	Norbeck	Stephens
Bulow	Hatfield	Oddie	Swanson
Carey	Howell	Robinson, Ind.	Thomas, Okla.
Cutting	King	Russell	Tydings
Davis	Logan	Shipstead	
Fess	Long	Shortridge	

So the resolution submitted by Mr. NORRIS was agreed to, as follows:

Resolved, That David S. Barry be, and he is hereby, removed from the office of Sergeant at Arms and Doorkeeper of the Senate.

CLAIMS OF CERTAIN OFFICERS AND EMPLOYEES OF THE FOREIGN SERVICE (H. DOC. NO. 539)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Congress of the United States:

I inclose herewith a report which the Secretary of State has addressed to me in regard to claims of certain officers and employees of the Foreign Service of the United States for reimbursement of losses of personal property suffered

by them as a result of a cyclone at Point a Pitre, Guadeloupe, French West Indies, on September 12, 1928, and hurricanes at Nassau, Bahama Islands, on September 16, 1928, and on September 25-26, 1929; at Santo Domingo, Dominican Republic, on September 3, 1930, and at Belize, British Honduras, on September 10, 1931; at Moscow, Russia, in 1918, as a result of the seizure of Government power by the present régime; at Buenaventura, Colombia, on January 26, 1931, as the result of a fire which destroyed the American Consulate, and at Warsaw, Poland, in December, 1920, as a result of theft and breakage of household effects in transit at the time of the advance of the soviet revolutionary army into Poland.

I recommend that an appropriation in the amount suggested by the Secretary of State be authorized in order to relieve these officers and employees of the Government of the burden these losses have occasioned.

HERBERT HOOVER.

(Inclosures: Report of the Secretary of State, with inclosures.)

THE WHITE HOUSE, February 7, 1933.

UNITED STATES GEORGIA BICENTENNIAL COMMISSION

Mr. FESS, from the Committee on the Library, to which was referred the joint resolution (S. J. Res. 223) establishing the United States Georgia Bicentennial Commission, and for other purposes, reported it with an amendment.

FEDERAL GASOLINE TAX BILL—AMENDMENT RELATIVE TO THE TARIFF AND DEPRECIATED FOREIGN CURRENCIES

Mr. HATFIELD submitted an amendment intended to be proposed by him to the bill (H. R. 14416) to make the Federal gasoline tax effective until June 30, 1934, which was ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. HATFIELD to the bill (H. R. 14416) to make the Federal gasoline tax effective until June 30, 1934, viz: On page 1, line 16, insert the following:

"That there shall be levied, collected, and paid upon all articles when imported directly or indirectly into the United States or into any of its possessions (except the Philippine Islands, the Virgin Islands, American Samoa, and the island of Guam) directly or indirectly from any foreign country, if the depreciation in the currency of such country, as determined by the Secretary of the Treasury, is 5 per cent or more below the standard value of such currency as proclaimed by the Secretary of the Treasury on October 1, 1931, or similarly depreciated when compared with currency of the United States, these following taxes, which shall be in addition to the duties collected under existing law as amended by section 3 of this act:

"(1) If the amount of the invoice value of the article is ascertained in units of currency of such foreign country, a tax equal to the difference between the invoice value of the article expressed in units of currency of such foreign country and converted to units of currency of the United States at the standard value of the currency of such foreign country as proclaimed by the Secretary of the Treasury on October 1, 1931; and (b) such amount converted to the currency of the United States at the buying rate of the unit of currency of such foreign country as ascertained under section 522 (c) of the tariff act of 1930.

"(b) If the amount of the invoice value of the article is ascertained in units of currency of any country (including the United States) other than the country of exportation, a tax equal to the difference between (a) such amount expressed in units of currency of the country of exportation at the current rate of exchange for noon of the date of exportation and converted as provided in paragraph (1) to the currency of the United States at the standard value of such unit of currency of the country of exportation as proclaimed by the Secretary of the Treasury on October 1, 1931, and such amount expressed in units of currency of the country of exportation, and converted as provided in paragraph (1) into the currency of the United States at the buying rate of the unit of currency of the country of exportation as ascertained under section 522 (c) of the tariff act of 1930. In cases, if any, where the Secretary of the Treasury is unable to determine the said buying rate under any of the provisions of said section 522 (c) of the tariff act of 1930, he shall determine such buying rate by the method which he approves as most fair and equitable in the premises and make and proclaim his determination accordingly and such determination and decision shall be final.

"Sec. 2. This act shall not apply to imports of tea, coffee, tin, rubber, fruits not produced in the United States, or to unmanufactured spices not produced in the United States.

"Sec. 3. For the purpose of the assessment and collection of duties under the existing law, the value (whether such value is ascertained in units of currency of the United States or of any

other country) of any article provided for in section 1 shall be the value of such article converted to the currency of the United States at the standard value of the unit of currency of the country of exportation as provided for in paragraph (1) or (2) of section 1, as the case may be.

"Sec. 4. Terms used in this act shall have the meaning assigned to such terms in the tariff act of 1930.

"Sec. 5. This act shall be administered as part of the customs laws.

"Sec. 6. This act shall take effect on the day following the date of its enactment and continue in force until June 30, 1934."

TREASURY AND POST OFFICE APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 13520) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes.

Mr. BINGHAM. Mr. President, in view of the adoption by the Senate of the Bratton amendment together with the Costigan amendment to it, I think Senators will realize that in order to clear the parliamentary situation it will be necessary to adopt the motion to reconsider which I made some days ago. Therefore, I ask unanimous consent that the motion whereby we adopted the Bratton amendment together with the Costigan amendment on the Treasury and Post Office bill may be agreed to.

Mr. McKELLAR. Mr. President, as I understand, that amendment was adopted applying only to the Post Office and Treasury bill.

Mr. BINGHAM. That is correct.

Mr. McKELLAR. And since that time, in the economy bill, those amendments have been applied to all bills, including the Post Office and Treasury bill.

Mr. BINGHAM. That is the reason why I asked unanimous consent to do it, because I realized that those in favor of it had gained their position on all bills.

Mr. McKELLAR. I see no objection to the Senator's request.

The PRESIDING OFFICER (Mr. Fess in the chair.) Is there objection?

Mr. McKELLAR. The Senator from New Mexico [Mr. BRATTON] is not on the floor at this moment, but I know it will be agreeable to him.

Mr. ROBINSON of Arkansas. Mr. President, if the last amendment applies to all bills, manifestly there is no occasion for retaining the first amendment, which applied only to the bill under consideration.

Mr. BINGHAM. Particularly in view of the fact that the general amendment adopted is even more stringent than the one which applied to the Treasury and Post Office bill.

The PRESIDING OFFICER. The Chair understands that the Senator's request is for unanimous consent for reconsideration.

Mr. BINGHAM. That we reconsider the vote whereby we adopted the Bratton amendment on the Treasury and Post Office bill.

The PRESIDING OFFICER. Is there objection?

Mr. BYRNES. I am satisfied that the Senator from New Mexico would have no objection.

Mr. BINGHAM. I thank the Senator.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The question now is on the Bratton amendment.

Mr. COSTIGAN. Mr. President, the request of the Senator from Connecticut relates to the so-called Bratton amendment, to which I offered an amendment which was adopted by the Senate several days ago and does not relate to the action taken by the Senate today?

Mr. BINGHAM. That is correct.

The PRESIDING OFFICER. It will be the Bratton amendment as amended by the amendment of the Senator from Colorado [Mr. COSTIGAN].

Mr. ROBINSON of Arkansas. And, to be consistent, the Bratton amendment attached to the present bill—the amendment just reconsidered—should be rejected.

The PRESIDING OFFICER. The question is on the amendment, as amended.

The amendment, as amended, was rejected.

Mr. BINGHAM. That clears the parliamentary situation with regard to the Bratton and Costigan amendments on the Treasury and Post Office bill.

Now, Mr. President, if Senators will turn to page 70 of the pending legislation, section 4 places a 10 per cent reduction on all salaries which do not come under the furlough plan. In view of the fact that we have rejected the committee's amendment adding the 1 $\frac{2}{3}$ per cent pay cut to those now made and a pay cut under the furlough plan, the committee recommends that this amendment be rejected.

Mr. McKELLAR. That would necessarily follow, because the 1 $\frac{2}{3}$ per cent has already been rejected.

Mr. BINGHAM. That is correct.

The PRESIDING OFFICER. The Senator wishes to have the amendment rejected?

Mr. BINGHAM. I do.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. BINGHAM. Mr. President, the next matter that concerns us is on page 74, section 7, which applies the 10 per cent reduction suggested by the committee to all pensions and compensations to veterans and others receiving a pension of more than \$1,000. In order to be consistent with the action of the Senate, this amendment must be amended by the committee on page 74, line 17, by inserting, in lieu of "10 per cent," "8 $\frac{1}{3}$ per cent."

Mr. COSTIGAN. Mr. President—

Mr. BINGHAM. I yield to the Senator from Colorado.

Mr. COSTIGAN. May I ask the Senator from Connecticut if that particular amendment applies practically exclusively to totally disabled veterans?

Mr. BINGHAM. I regret to say that that observation is correct, and if I believed it would cause any real hardship I should be opposed to it; but, Mr. President, as has been pointed out on the floor repeatedly, the cost of living, the average cost of commodities, of rent, of food, of clothing, has diminished by about 22 per cent during the past two or three years. Therefore the amount allowed to veterans, to those totally disabled, to those who receive in pensions or compensation more than \$1,000 a year, will buy more comforts to-day, even with the 8 $\frac{1}{3}$ per cent reduction, than they got three years ago, when that legislation went into effect.

If I believed that any veteran disabled in the war would receive any less comforts of any kind under this amendment than he received three years ago, when the provision was adopted, I should be the first to oppose the amendment, because I have the greatest sympathy with the veterans who are totally disabled and whose benefits would cause them to give a certain amount of their allowances to the Federal Government under this amendment.

The PRESIDING OFFICER. The Chair understands that the Senator from Connecticut moves to strike out "10" in line 17, on page 74, and insert "8 $\frac{1}{3}$."

Mr. BINGHAM. The committee recommends that, and desires to perfect the amendment accordingly.

Mr. ROBINSON of Indiana. Mr. President—

Mr. BINGHAM. I merely wanted to get that perfected. I am sure the Senator from Indiana will not object to perfecting the amendment. I know that the Senator is opposed to the entire amendment, but I am sure he will not object to our perfecting it in that regard.

Mr. ROBINSON of Indiana. No.

Mr. BINGHAM. I merely desired to add, Mr. President, that this amendment was estimated, on the 10 per cent basis, to effect a saving of \$8,570,000. By reducing it to 8 $\frac{1}{3}$ per cent it is obvious that it will now yield only about \$7,000,000. That may not be exact, but it is in the neighborhood of \$7,000,000.

I understand that the Senator from Vermont [Mr. DALE] desires to offer a perfecting amendment to which the committee has no objection.

Mr. DALE. Mr. President, I should like to call up an amendment which is on the desk.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The LEGISLATIVE CLERK. On page 75, line 13, it is proposed to insert, immediately before the period, a comma and the following:

but shall not include payments out of any retirement, disability, or relief fund made up wholly or in part of contributions of employees.

Mr. DALE. Mr. President, if it is the disposition of the Senator from Connecticut to accept the amendment, I have nothing to say on it.

Mr. BINGHAM. It is purely explanatory. The committee never intended to include the payments referred to.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Vermont [Mr. DALE] to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on the amendment to the amendment eliminating "10 per cent" and inserting "8 $\frac{1}{3}$ per cent."

The amendment to the amendment was agreed to.

Mr. ROBINSON of Indiana. Mr. President, I move to amend the bill by striking out all of section 7.

The PRESIDING OFFICER. The Chair will state that a negative vote on that section would give the Senator the same result as a motion to strike out, saving one vote.

Mr. ROBINSON of Indiana. I suppose it would; and, if that is the parliamentary ruling, I shall withhold any motion.

Mr. COPELAND. Mr. President—

Mr. ROBINSON of Indiana. Mr. President, I was hoping the Economy Committee could be induced to withdraw the amendment entirely—all of section 7—for the reason that, as has been stated, it applies only to totally disabled veterans.

Mr. BINGHAM. Mr. President, will the Senator permit me? I was not quite correct in making that statement. There are a number of persons who receive pensions who are not totally disabled. The amendment does apply, for instance, to the widows of former Presidents, who now receive \$5,000 pensions. It applies to anyone having a pension or compensation from the Government; but, of course, the great mass are those veterans whose disability is so great that they receive more than \$83 per month. That is correct.

Mr. ROBINSON of Indiana. Mr. President, I understand that the Senator from New York [Mr. COPELAND] has the floor. I rose simply to offer the amendment to strike out the section. Since that is not necessary, I yield the floor to the Senator from New York, with the understanding that I can resume the floor and speak on the amendment a little later.

Mr. COPELAND. Mr. President, a parliamentary inquiry: I do not wish to take the Senator from Indiana from the floor. I wanted to make an inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COPELAND. If the motion made by the Senator from Indiana were to prevail, would that also carry with it the amendment made last night by the Senator from Texas [Mr. CONNALLY]? He offered an amendment, and I entered a motion to reconsider it.

The PRESIDING OFFICER. It is a different section. It would not affect it.

Mr. COPELAND. Is not the amendment offered yesterday by the Senator from Texas [Mr. CONNALLY] an amendment to section 7?

The PRESIDING OFFICER. No.

Mr. COPELAND. To what section does it apply, Mr. President?

The PRESIDING OFFICER. It is a new section.

Mr. COPELAND. Then, may I say to my friend from Indiana, I yield the floor to him.

Mr. ROBINSON of Indiana. Mr. President, it seems to me that the amendment really requires no discussion. I can not feel that the Senate would take 8 $\frac{1}{3}$ per cent from these totally disabled veterans who receive \$1,000 or more.

I have some figures that I have gotten on the question from the Veterans' Administration that I should like to read to the Senate for the benefit of the Record.

On page 74, section 7 provides "rate of pension of each person receiving pension or compensation at a rate in excess of \$1,000 per annum is reduced 10 per cent—

That is what it says here. It should be $8\frac{1}{3}$ per cent now, with respect to pensions or compensations accruing for all or any part of the fiscal year ending June 30, 1934," and further provides that "such reduction shall not operate to reduce any rate of pension or compensation to less than \$1,000 per annum."

This last proviso, providing cuts in pensions and compensation, will have the following effect, I am advised by the Veterans' Administration.

As to those drawing disability compensation—that is, compensation for service-connected disabilities—if the law is enacted, it would apply to 49,941 disabled veterans of the World War and would effect a saving, at their expense, of \$5,753,000.

Mr. HATFIELD. Mr. President, if the Senator will yield, I am informed that it would affect 73,629.

Mr. ROBINSON of Indiana. I think perhaps the Senator is correct in the total. I was about to get to that and will add some other figures to those already cited.

Of those drawing pensions, 23,460 would be affected and would lose \$2,815,000. It would also affect 228 yellow-fever patients who were placed on the rolls after they had submitted to tests and inoculations made in the study of this disease and would cut these beneficiaries \$2,800.

The amounts quoted would average for those drawing disability compensation a little more than \$115 per year each, for the group drawing pensions a fraction more than \$120 per year, and for the yellow-fever patients a fraction more than \$122 per year.

Of those affected on the disability-compensation rolls, practically all would of necessity be rated totally and permanently disabled or temporary total rating with at least one dependent. For example, a man rated temporary total would receive \$80 per month and not be reduced, but a man so rated, with a wife, would receive \$1,080 per year and under the act lose \$80 per year. If he had as dependents a wife and one child, he would receive \$95 a month, or \$1,140 per year, and would lose \$114 per year. Those rated totally and permanently disabled receive \$1,200 per year and would suffer a reduction of \$120 per year.

The enactment of this legislation would affect only those pensioners who have received injuries in line of duty, and in many cases in exceptionally hazardous service, and who now require the regular aid and attendance of another person.

Mr. President, that means, of course, that these totally disabled veterans who would be affected by this proposed legislation are now in a situation where they require the permanent attention of a private nurse, and it seems to me unthinkable that the Senate would attempt to reduce the meager allowance now accorded these totally disabled veterans. It seems to me that would be actually cruel, and because I feel so certain the Senate would not agree to the amendment, I think I shall have nothing further to say on it at this time.

Mr. ODDIE. Mr. President, I agree fully with what the Senator from Indiana has just stated in regard to this matter. I feel that our country is too great, that our people are too broad-minded and liberal, to agree to sanction a cut of this kind. It is hard enough for able-bodied, healthy people to have to undergo privations and hardships such as large numbers are compelled to do to-day, but this goes farther than that, and affects disabled men, the men who served our country during the World War. I think we would make a great mistake in not wiping out this whole section.

Mr. HATFIELD. Mr. President, it is unthinkable that the Congress of the United States would vote to reduce the stipend which is being contributed to those who served our flag and our country in time of need. It is no less true

that the same principle would apply to those who sacrificed themselves so that the whole world might know how to prevent and stamp out the ravages of yellow fever.

It is unthinkable that the Congress of the United States would reduce a pension which has been voted to a hopeless cripple—such as this section would—men who have lost both limbs, or who are deaf, not because of any fault of their own but due to the fact that they sacrificed themselves for what we are, what we represent, and what we enjoy in the way of comfort and happiness at the present time.

Mr. President, I trust that the Senate of the United States will vote unanimously against the adoption of section 7 of House bill 13520.

The PRESIDING OFFICER. The question is on agreeing to section 7.

The section was rejected.

Mr. BINGHAM. Mr. President, there are two perfecting amendments, one on page 69, line 15, to strike out "102 and 202" and to insert in lieu thereof "102, 202, and 203."

Mr. McKELLAR. I did not understand that.

Mr. BINGHAM. There are just two perfecting amendments on page 69.

Mr. McKELLAR. Perfecting in what way?

Mr. BINGHAM. The first is necessary because the Senate has voted to continue section 203.

Mr. McKELLAR. Very well.

Mr. BINGHAM. Also on page 78, line 20, to strike out the figure "4" and to insert in lieu thereof the figure "6."

The PRESIDING OFFICER. What does the Senator ask to have acted on first?

Mr. BINGHAM. I ask that the amendment I first presented, on page 69, line 15, be submitted.

The PRESIDING OFFICER. The clerk will report the amendment.

The CHIEF CLERK. On page 69, line 15, the Senator from Connecticut moves to strike out "102 and 202" and to insert in lieu thereof "102, 202, and 203" so as to read—
and, in the case of sections 102, 202, and 203, the figures "1932" shall be read as "1933."

Mr. LA FOLLETTE. Mr. President, that is unintelligible unless we have the statute before us. Will the Senator explain what the section does that he is inserting?

Mr. BINGHAM. Section 203 of the act which was continued by the committee, in line 8—

Mr. McKELLAR. What is section 203?

Mr. BINGHAM. The section provides:

No appropriation available to any executive department or independent establishment or to the municipal government of the District of Columbia during the fiscal year ending June 30, 1933, shall be used to pay the compensation of an incumbent appointed to any civil position under the United States Government or the municipal government of the District of Columbia which is vacant on July 1, 1932, or to any such position which may become vacant after such date: *Provided*, That this inhibition shall not apply (a) to absolutely essential positions the filling of which may be authorized or approved in writing by the President of the United States.

Mr. McKELLAR. What does that do? I do not know to whom it refers.

Mr. BINGHAM. I am sorry the Senator does not remember that we discussed that in the committee. The House left out section 203, and we decided to put it in, that the President might fill positions, if he decided that it was the proper thing to do. The Senator from Tennessee himself was one of those who felt that the President should have the final say about the filling of positions.

Mr. McKELLAR. Instead of the Budget Director?

Mr. BINGHAM. That is the section.

Mr. McKELLAR. The Senator recalls it to my mind, and I see no objection to it.

Mr. LA FOLLETTE. Mr. President, as the Senator read the section, it seemed to me it contained a sweeping general provision, and granted an exception to the President of the United States so far as exercising discretionary authority, to set aside the general prohibition against the filling of positions. Will the Senator explain just what positions

there are in the District of Columbia which can not be filled under this section, but as to which he would grant the President power to make exceptions if he does so in writing?

Mr. BINGHAM. Mr. President, I explained on the floor before, when I took the matter up originally, that the House bill did not continue for the fiscal year 1934 section 203, which prohibited the filling of vacancies. The committee recommended continuing section 203 in force during the past fiscal year. That is all this would do. It was all explained and voted on before, and I am really trying to perfect what we did yesterday.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment.

The CHIEF CLERK. On page 78, line 24, the Senator from Connecticut moves to strike out "4," and insert in lieu thereof "6," so that it will read:

And if in such action judgment shall be rendered against the United States, or the amount recovered for debt and costs shall be less than the amount so withheld as before provided, the balance shall then be paid over to such plaintiff by such Comptroller General of the United States with 6 per cent interest thereon for the time it has been withheld from the plaintiff.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BINGHAM. Mr. President, the only committee amendment remaining is title 4, on page 83, relating to the reorganization of the executive departments. Before we take that up, I think there should be a call for a quorum.

Mr. COPELAND. Mr. President, I entered a motion yesterday to reconsider the vote by which we adopted the Connally amendment, and I want to say just a word about that, and then take counsel of my colleagues.

It will be recalled that last night the Senator from Texas succeeded in amending the bill so that anybody receiving a pension from the Government, and receiving in civil life a salary of as much as \$10,000, should not receive the benefit of his pension. Of course, the notable example, it was stated, was General Harbord.

Mr. President, I am taking a liberty in doing what I am about to do, but I hold in my hand a letter I received from General Harbord dated the 24th of January, which related to another part of the bill, but it is so conclusive a reply to the charge made about his being a tremendously high salaried man that I think it ought to go in the RECORD, and I am sure that General Harbord will forgive me for putting it in the RECORD. I ask that it be printed.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

NEW YORK CITY, January 24, 1933.

HON. ROYAL S. COPELAND,

United States Senator, Washington, D. C.

DEAR SENATOR COPELAND: I am appealing to you to right in the Senate what I consider a breach of faith and an injustice. An amendment to the War Department appropriation bill was adopted by the House stopping all retired pay to retired officers whose incomes from any source are more than \$3,000 per year.

I entered the Army as a private soldier on January 10, 1889, and was promoted to a commission at a time when a part of the compensation offered to induce young Americans to accept commissions was the long-enacted law that on retirement an officer would draw three-fourths of the pay he was receiving at the time of his retirement. This was a pledge by our Government on which the officers of the United States Army have heretofore always believed they could, with confidence, rely.

After 33 years and 11 months of service, during which I rose from private to major general, I was retired upon my own application, and accepted a position in business life, with the approval of the then Secretary of War, Hon. John W. Weeks, and on the urging of his predecessor the Democratic War Secretary under whom I had served during the World War, Hon. Newton D. Baker. The compensation I have received from the Radio Corporation of America at various times has been stated on the floor of Congress, but never correctly, and never without much exaggeration. Actually it would seem to be my own business and within my rights.

As a member of the American Legion I have been of the opinion that the adjusted-compensation certificates should not be paid before maturity, a fact of which the national officers of the Legion

are cognizant, and which does not cost me their respect. Last summer I was asked to become a member of the National Economy League, and did so. I was asked to preside at their organization meeting until their temporary organization was effected, and did so, but am not and never have been an officer of the league nor active in it. I would not apologize for it if I were, nor consider I was without my rights as a retired officer of the Army in such activity.

If it becomes law, this measure will wrong scores of retired officers of all grades, who, by writing or other means, are supplementing their retired pay, or may possibly have inherited some income.

I shall appreciate anything you may do.

Sincerely yours,

J. G. HARBORD.

Mr. COPELAND. Mr. President, certainly it is not any of our business, if a man has rendered service, for instance, such as that rendered by General Harbord, what he receives in private salary. He was a private soldier. He enlisted in the Army and rose through the ranks to become a major general, is a man of great capacity, and has been employed by the Radio Corporation of America.

It is stated that General Harbord gets an enormous salary. I happen to know that it is not such an enormous salary, as such executive jobs go. I think the amendment should not have been adopted. I could speak of other men. I could speak of General Bullard or of General Summerall, who is now president of a college. Certainly those men earned their retirement pay, and they are entitled to their retirement pay regardless of what they may be able to earn by writing or by other activities in order to increase their incomes.

It is hardly fair, I assume, in view of the very small attendance and in the absence of the Senator from Texas himself to ask a reconsideration. I am saying what I am in the hope and expectation that when the bill goes to conference the inequity of the proposal and its unfairness will appeal to the conferees and will be dealt with in a just manner.

I notice that the Senator from Texas has just entered the Chamber, but perhaps in spite of that I shall simply permit these remarks to go in the RECORD and let the incident be closed, so far as this particular day is concerned. We have been here so long and it has been a day of such emotional excitement, as well as hard work, that I shall not undertake to have any more decisive action than I have suggested.

The PRESIDING OFFICER. Does the Senator from New York withdraw his motion?

Mr. COPELAND. Yes; I withdraw it.

Mr. BINGHAM. Mr. President, I find we have not adopted all of section 4, on page 69. We have only adopted various figures that were changed a little. In order to complete the situation the whole of it should be adopted at this time. There is nothing in it that has not already been explained and debated from time to time.

The PRESIDING OFFICER. The question is on adopting section 4, page 69, as amended.

The section as amended was agreed to.

Mr. BINGHAM. On page 87 we have not adopted the clause numbered section 22, beginning in line 16. That should be adopted.

The PRESIDING OFFICER. Let it be read for the information of the Senate.

The Chief Clerk read as follows:

Sec. 22. If any provision of this act, or the application thereof to any person or circumstances, is held invalid, the remainder of the act, and the application thereof to other persons or circumstances, shall not be affected thereby.

The PRESIDING OFFICER. The question is on agreeing to the section.

The section was agreed to.

Mr. BINGHAM. I ask unanimous consent that general authority be granted the clerks to renumber the sections as necessary.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. BYRNES. Mr. President, on page 87 I desire to offer an amendment which has the recommendation of the committee.

The PRESIDING OFFICER. Let it be reported for the information of the Senate.

The CHIEF CLERK. On page 87, after line 15, insert the following:

SEC. 22. (a) The Court of Claims of the United States is authorized, under such rules as it may prescribe, to impose a fee in an amount not in excess of \$10 to be fixed by the court for the filing of any petition in any case instituted after the enactment of this act, and for the hearing of any case before the court, a judge, or a commissioner thereof pending at the time of the enactment of this act.

(b) The court is authorized to charge and collect a fee of 10 cents a folio for preparing and certifying a transcript of the record for the purpose of appeal by the plaintiff and for furnishing certified copies of judgments or other documents in cases in said court: *Provided*, That not less than \$5 shall be charged for each certified copy of findings of fact and opinion of the court to be filed in the Supreme Court of the United States.

(c) The court is also authorized to charge and collect for each certified copy of its findings of fact and opinion a fee of 25 cents for 5 pages or less, 35 cents for those over 5 and not more than 10 pages, 45 cents for those over 10 and not more than 20 pages, and 50 cents for those of more than 20 pages.

(d) The clerk of the Court of Claims shall account to the Attorney General for all such fees, and shall deposit such fees to the credit of the Treasurer of the United States in the same manner as is provided in the case of collections by clerks of district courts as provided by section 9 of the act entitled "An act to fix the salaries of clerks of the United States district courts and to provide for their office expenses, and for other purposes," approved February 26, 1919, as amended (U. S. C., title 28, sec. 567).

Mr. BYRNES. Mr. President, in explanation, the Court of Claims, we learn, is the only court having no such fee system. All the district courts of the United States are provided with fees for the services described in the amendment. The fees herein described are just about one-half the fees charged by the clerks of courts of the United States. It is estimated that it would mean about \$25,000 to \$30,000 of revenue annually, if the amendment is adopted.

Mr. BINGHAM. Mr. President, I have no objection to the adoption of the amendment.

The amendment was agreed to.

Mr. ODDIE. Mr. President, I offer the following amendment: On page 71, after line 20, insert the following proviso:

Provided further, That the promotion of apprentices shall not be construed to be administrative promotions for the purposes of this section.

It is for the purpose of perfecting the amendment already adopted. It excepts apprentices working in the navy yards and other governmental establishments from the operation of the provision. I think the Senator from Connecticut will agree that it is only fair that the amendment should be adopted.

Mr. McKELLAR. Let it be read.

The PRESIDING OFFICER. The clerk will read the proposed amendment.

The CHIEF CLERK. On page 71, after line 20, after the word "section," insert the following:

Provided further, That the promotion of apprentices shall not be construed to be administrative promotions for the purposes of this section.

Mr. McKELLAR. Why is that offered?

Mr. BINGHAM. It was considered by the committee and I do not think it should be adopted.

Mr. ODDIE. I understand there are a number of young apprentices in the various navy yards and in similar positions who will be deprived of their just promotions by the amendment already adopted unless this amendment is agreed to. As I understand it, their pay is increased so much per year for the years in which they are acting as apprentices. I do not think it can be the intention of the Congress that they should be penalized in this way.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nevada [Mr. ODDIE].

The amendment was agreed to.

Mr. GORE. Mr. President, I desire to offer an amendment in the form of a new section at the end of the bill. I have submitted this amendment to the Senator from South Carolina [Mr. BYRNES] and the Senator from Connecticut [Mr. BINGHAM], who is in charge of the bill. I will

say to the Senator from Connecticut that I have transformed it into a new section instead of submitting it as an amendment to section 403.

The PRESIDING OFFICER. The amendment will be reported for the information of the Senate.

The CHIEF CLERK. On page 87, after the amendment heretofore agreed to, following line 19, insert the following as a new section:

SEC. 410. The President is authorized to require the Civil Service Commission and the Secretary of Labor and any other agency or officer of the Government to cooperate in making a study and preparing a report as to the feasibility of establishing a system for adjusting and determining from time to time the compensation of civil-service employees on the basis of the prevailing retail index or price level, including rents.

Mr. BINGHAM. Mr. President, I have examined the amendment suggested by the Senator from Oklahoma, and I am sure the committee has no objection to it.

Mr. GORE. Mr. President, I should like it to go to conference. Denmark has had this plan in operation for years, and I am advised by the legation that it worked successfully and satisfactorily. I desire to print in the RECORD at this point a letter from the Danish Legation relating to that system.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter is as follows:

LEGATION OF THE UNITED STATES OF AMERICA,
Copenhagen, November 30, 1932.

The Hon. T. P. GORE,
Committee on Finance, United States Senate,
Washington, D. C.

DEAR SENATOR GORE: I acknowledge the receipt of your letter of October 27, and have taken pleasure in having the following information compiled in answer to your inquiry:

In 1919 Denmark adopted a system for the regulation of the payment of Government employees on the basis of the cost of living. Special provisions to that end were adopted in the civil service law of September 12, 1919. Similar regulations were gradually adopted by a number of the larger Danish communities, and during a labor conflict in 1921-22 the system was also adopted in principle by the labor unions and by the employers' association.

The adoption and exercise of this policy in Denmark after the war has stood its test as a flexible means of adjusting the economic interests of those concerned. It has not only contributed to simplify the wage problem of officials in general but it has also served as a valuable medium of settling labor conflicts in periods when the replacement of values affected the economic interests of the employers or the laborers.

It should be mentioned, however, that the original arrangement, which was instituted by Law No. 489 of September 12, 1919, has been subject to revision several times to meet varying conditions.

The law of 1919 provided for two individual forms of allowances to offset the effect of the high cost of living, namely, the so-called "high-cost-of-living allowance," which was based upon a price index, and a "contingent allowance," which was fixed by the Government.

The object of the former was that of regulating the wages upon basis of the price level, while the object of the latter was that of establishing an economic balance in the social standard of living between the Government employees on the one side and other classes of the population on the other. Theoretically there existed the possibility that, although the price level might be high, the public might be poor, and vice versa. It was, therefore, decided that the regulation of the wages of Government employees should not only depend on the fluctuations of the prices but that other irregularities which might occur should be adjusted through the medium of a contingent allowance.

The high-cost-of-living allowance, which was uniform for all classes with basic wages totaling over 1,800 crowns per annum, amounted to 702 crowns in 1919. It was based upon a price index of 211. On October 1, 1920, the high-cost-of-living allowance reached its climax at 1,134 crowns, where it remained stationary for about one year. The allowance then dropped gradually and was fixed at 378 crowns on October 1, 1926. Meanwhile the contingent allowance was subject to an automatic reduction. In 1927 the whole allowance problem was subject to a revision, and by the new civil service law of March 31, 1931, a new basis was laid down for the regulation of the wages of Government employees. While the large communities have continued to follow the principles embodied in the various Government laws, the labor unions and the Employers' Association abandoned the system in 1927.

Under the new law the high-cost-of-living allowance and the contingent allowance were combined and replaced by the so-called regulation allowance. The following is an analysis of the law of 1931 governing the payment of regulation allowance to Government employees, which is now in force:

Article 89 of the civil service law of March 31, 1931, provides that all Government employees shall be entitled to a nonpension regulation allowance, which will be paid monthly together with the wages.

Article 90 provides that upon direction of the Minister of the Interior the municipalities of Copenhagen, the municipalities of Danish provisional towns, and of 100 country districts shall collect information regarding the retail prices of prime necessities, clothes, fuel, light, and rent. This information shall be collected during the first week of the four quarters, beginning January 1, April 1, July 1, and October 1. The information must be entered by the municipal boards on forms issued by the statistical department and must be returned to the latter before the 15th of each of the four months in question.

Article 90 provides that on basis of the reports, covering the price ruling in January of each year, the statistical department

must work out before February 20 of each year a household account (price index) covering the expenses of a standard family (which before the war expended 1,592 crowns for this purpose) for indispensable food, clothes, fuel, light, and rent.

The table below shows the amounts, fixed upon the basis of the wages (basic salary, age allowance, and personal nonpension allowances) which will be paid annually at varying price indexes, in the form of regulation allowance to married men, widowers, widows, to men and women who have been divorced or separated, who keep their own households or have dependents under 18 years, and to unmarried persons who have dependents—who have their own household:

Regulation allowance

Class of wages	Expense figure						
	2,427-2,842 kroner	2,323-2,426 kroner	2,219-2,322 kroner	2,115-2,218 kroner	2,011-2,114 kroner	1,907-2,010 kroner	Under 1,907 kroner
Below 1,500 crowns.....	Per cent 33	Per cent 27	Per cent 22	Per cent 16	Per cent 11	Per cent 5	Per cent 0
1,500-1,799 crowns.....	Kroner 528	Kroner 444	Kroner 360	Kroner 276	Kroner 180	Kroner 84	Kroner 0
1,800-2,999 crowns.....	564	468	372	276	180	84	0
3,000-4,499 crowns.....	600	504	408	312	216	108	0
4,500-5,999 crowns.....	648	540	432	324	216	108	0
6,000-7,499 crowns.....	696	588	480	372	252	132	0
7,500-8,999 crowns.....	744	624	504	384	264	132	0
9,000-10,499 crowns.....	804	672	540	408	276	144	0
10,500 crowns and above.....	876	732	588	444	300	156	0

If the expense figure should advance to Kr. 2843, and for each time it exceeds this figure by Kr. 104, the regulation allowance, appearing in the column covering the expense figure from Kr. 2842 to Kr. 2427, will be increased by amounts, corresponding to the difference between the allowance in question and the identical allowance appearing in the succeeding column. The per cent allowance granted in connection with wages below Kr. 1500 will be increased alternately by 5 and 6 per cent.

Government employees, other than those mentioned above, will, provided they are over 40 years of age, obtain a regulation allowance corresponding to two-thirds of the amount stipulated above.

All other Government employees will obtain a regulation allowance, representing one-third of the amount stipulated above.

When married couples, who live together, are both entitled to regulation allowance, each of the two parts will obtain one-half of the highest rate of allowance to which they are entitled.

If either one of two people, who are married and who live together, obtain regulation allowance based upon wages or pension from the State, and the other party obtains a corresponding allowance as an employee of a municipality, or as an employee of a concessioned enterprise, the regulation allowance granted by the Government will be regulated in the same manner as if the other party was a Government employee.

The administration is authorized to demand any information which is necessary for fixing the regulation allowance. In case of refusal, the right of obtaining the allowance is forfeited.

Trusting that this may be of interest and value to you, I am, with kindest regards,

Respectfully yours,

F. W. B. COLEMAN,
American Minister.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Oklahoma (Mr. GORE).

The amendment was agreed to.

Mr. BINGHAM. Mr. President, before we come to the final amendment I have a little amendment which I would like to suggest on my own behalf. On page 74, after line 14, insert the following new section:

Section 213 of the legislative appropriation act, fiscal year 1933, is repealed.

This is the amendment which I promised some time ago to make to repeal the section, which forbids the employment of married women whose husbands are engaged in the Government service. The application of section 213 has caused a great deal of hardship. Furthermore, I agree entirely with the report made by the Civil Service Commission that the insertion of this in legislation is contrary to the principles of the civil service act. They recommend the repeal of the section. It provides that persons who are being examined for appointment to the Government service by the Civil Service Commission, no matter what their efficiency, no matter how high their rating, no matter how great their ability, if they have a consort to whom they are legally mar-

ried and with whom they are living, they may not be considered for appointment.

Mr. McKELLAR. Mr. President, so far as I am concerned, I am not opposed to the amendment of the Senator from Connecticut to insert such a provision, but I think one of our colleagues on the Economy Committee is, and I would like to have it go over until he returns. I take the same view about it that the Senator from Connecticut does.

Mr. COPELAND. Mr. President, I hope the amendment will be placed on its passage. It ought to be adopted.

The PRESIDING OFFICER. The clerk will report the amendment.

The CHIEF CLERK. On page 74, after line 14, insert a new section, as follows:

Section 213 of the legislative appropriation act, fiscal year 1933, is repealed.

Mr. BINGHAM. There is nothing else to be taken up so far as I know except Title IV, and before that is taken up I think we should have a quorum call. Therefore I suggest the absence of a quorum.

Mr. COPELAND. Mr. President, just a moment before that is done. Will the Senator withhold his suggestion for a moment?

Mr. BINGHAM. Very well.

Mr. COPELAND. Mr. President, there were some of us last year who protested vigorously against this unjust provision in the act. I agree with the Senator from Connecticut that it has worked out to the disadvantage of the Government. There are several cases which have come to my personal attention where women of particularly desirable qualities and expert knowledge of certain activities of the Government have been lost to the Government by reason of that provision of the law. I hope at a suitable time this matter may be passed upon by the Senate.

Mr. McKELLAR. Mr. President, I am in entire accord with what the Senator from New York and the Senator from Connecticut have said about it. I took that position in the committee, but two of our committee members, I believe, were opposed to it.

Mr. BINGHAM. Mr. President, I renew my suggestion of the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Bingham	Byrnes	Copeland
Austin	Black	Capper	Costigan
Bailey	Blaine	Caraway	Couzens
Bankhead	Bratton	Clark	Dale
Barbour	Bulkley	Connally	Dickinson
Barkley	Bulow	Coolidge	Dill

Fess	Hebert	Moses	Sheppard
Frazier	Hull	Neely	Stelwer
George	Johnson	Norris	Thomas, Idaho
Glenn	Kean	Nye	Townsend
Goldsborough	Kendrick	Oddie	Trammell
Gore	Keyes	Pittman	Vandenberg
Grammer	La Follette	Reynolds	Wagner
Hale	Lewis	Robinson, Ark.	Walcott
Harrison	McGill	Robinson, Ind.	Watson
Hastings	McKellar	Russell	White
Hatfield	McNary	Schall	
Hayden	Metcalf	Schuyler	

The PRESIDING OFFICER (Mr. Fess in the chair). Seventy Senators having answered to their names, a quorum is present. The clerk will report the amendment offered by the Senator from Connecticut.

Mr. BINGHAM. Mr. President, I ask that that amendment be passed over. The important thing at this time is to take up Title IV, the amendment on page 83, reported by the committee, relative to the organization of the executive departments. I understand the Senator from South Carolina [Mr. BYRNES] has an amendment in the nature of a substitute to offer therefor.

Mr. BYRNES. I offer an amendment in the nature of a substitute for Title IV.

The PRESIDING OFFICER. The clerk will state the amendment in the nature of a substitute offered by the Senator from South Carolina.

The Chief Clerk proceeded to read the amendment in the nature of a substitute submitted by Mr. BYRNES.

Mr. McKELLAR. Mr. President, I ask unanimous consent that the further reading of the amendment may be dispensed with, so that the Senator from South Carolina may immediately explain it.

Mr. BINGHAM. Mr. President, before that is done, will the Senator permit me to ask unanimous consent that when the Senate finishes its business to-night it take a recess until 12 o'clock noon to-morrow?

Mr. McKELLAR. Certainly.

Mr. BINGHAM. I ask unanimous consent that when the Senate concludes its business this evening it take a recess until 12 o'clock noon to-morrow.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. McKELLAR. Now, Mr. President, I renew my request for unanimous consent to suspend the further reading of the amendment and that the Senator from South Carolina may be recognized to explain the amendment. I make this suggestion in order to save time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment proposed by Mr. BYRNES in the nature of a substitute is, on page 83, to strike out all of "Title IV," and in lieu thereof to insert the following:

TITLE IV—REORGANIZATION OF EXECUTIVE DEPARTMENTS

DECLARATION OF STANDARD

SEC. 401. In order to further reduce expenditures and increase efficiency in government, the President shall investigate the present organization of all executive and administrative agencies of the Government and shall determine what changes therein are necessary—

(a) To group, coordinate, and consolidate executive and administrative agencies of the Government, as nearly as may be, according to major purposes;

(b) To reduce the number of such agencies by consolidating those having similar functions under a single head, and by abolishing such agencies and/or such functions thereof as may not be necessary for the efficient conduct of the Government;

(c) To eliminate overlapping and duplication of effort; and

(d) To segregate regulatory agencies and functions from those of an administrative and executive character.

DEFINITION OF EXECUTIVE AGENCY

SEC. 402. When used in this title the term "executive agency" means any commission, independent establishment, board, bureau, division, service, or office in the executive branch of the Government and, except as provided in section 403, includes the executive departments.

POWER OF PRESIDENT

SEC. 403. Whenever the President, after investigation, shall find and so declare that any regrouping, consolidation, transfer, or abolition of any executive agency or agencies and/or the functions thereof is necessary to accomplish the purpose provided in section 401 of this title, he may by Executive order—

(a) Transfer the whole or any part of any executive agency and/or the functions thereof to the jurisdiction and control of any other executive agency;

(b) Consolidate the functions vested in any executive agency; or

(c) Abolish the whole or any part of any executive agency and/or the functions thereof; and

(d) Designate and fix the name and functions of any consolidated activity or executive agency and the title, powers, and duties of its executive head; except that the President shall not have authority under this title to abolish or transfer an executive department and/or all the functions thereof.

SEC. 404. The President's order directing any transfer, consolidation, or elimination under the provisions of this title shall also make provision for the transfer or other disposition of the records, property (including office equipment), personnel, and unexpended balances of appropriations affected by such transfer, consolidation, or elimination.

SAVING PROVISIONS

SEC. 405. (a) All orders, rules, regulations, permits, or other privileges made, issued, or granted by or in respect of any executive agency or function transferred or consolidated with any other executive agency or function under the provision of this title, and in effect at the time of the transfer or consolidation, shall continue in effect to the same extent as if such transfer or consolidation had not occurred, until modified, superseded, or repealed.

(b) No suit, action, or other proceeding lawfully commenced by or against the head of any executive agency or other officer of the United States, in his official capacity or in relation to the discharge of his official duties, shall abate by reason of any transfer of authority, power, and duties from one officer or executive agency of the Government to another under the provisions of this title, but the court, on motion or supplemental petition filed at any time within 12 months after such transfer takes effect, showing a necessity for a survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, may allow the same to be maintained by or against the head of the executive agency or other officer of the United States to whom the authority, powers, and duties are transferred.

(c) All laws relating to any executive agency or function transferred or consolidated with any other executive agency or function under the provisions of this title shall, in so far as such laws are not inapplicable, remain in full force and effect, and shall be administered by the head of the executive agency to which the transfer is made or with which the consolidation is effected.

WINDING UP AFFAIRS OF AGENCIES

SEC. 406. In the case of the elimination of any executive agency or function the President's order providing for such elimination shall make provision for winding up the affairs of the executive agency eliminated or the affairs of the executive agency with respect to the functions eliminated, as the case may be.

EFFECTIVE DATE OF EXECUTIVE ORDER

SEC. 407. Whenever the President makes an Executive order under the provisions of this title such Executive order shall be submitted to the Congress while in session and shall not become effective until after the expiration of 60 calendar days after such transmission, unless Congress shall by law provide for an earlier effective date of such Executive order or orders: *Provided*, That if Congress shall adjourn before the expiration of 60 calendar days from the date of such transmission such Executive order shall not become effective until after the expiration of 60 calendar days from the opening day of the next succeeding regular or special session.

APPROPRIATIONS IMPOUNDED

SEC. 408. The appropriations or portions of appropriations unexpended by reason of the operation of this title shall not be used for any purpose, but shall be impounded and returned to the Treasury.

TERMINATION OF POWER

SEC. 409. The authority granted to the President under section 403 shall terminate upon the expiration of two years after the date of enactment of this act, unless otherwise provided by Congress.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. BYRNES. Mr. President, the only difference between the amendment and the text of the bill as reported by the committee is that in section 401, instead of a declaration of policy, words have been substituted which define a standard and which provide for an investigation by the President as to the existing administrative agencies of the Government and lay down a rule to be followed by any Executive order which he may thereafter promulgate.

The second change is that in section 403 it is provided that the President may issue an Executive order after investigation by him and after the declaration of the existence of the facts set forth in section 401.

The third change is in section 407. That section in the bill as reported provides that when an Executive order is

submitted to Congress the Congress by a concurrent resolution may disapprove the order of the President. That is the effect of the language of the bill. In the amendment now offered that authority is eliminated, and it is provided that whenever the President shall issue an Executive order it shall be submitted to Congress while the Congress is in session "and shall not become effective until after the expiration of 60 calendar days after such transmission, unless Congress shall by law provide for an earlier effective date of such Executive order or orders."

It further provides "if Congress shall adjourn before the expiration of 60 calendar days from the date of such transmission such Executive order shall not become effective until after the expiration of 60 calendar days from the opening day of the next succeeding regular or special session."

The reason for the omission from the amendment of the language contained in the bill with respect to action by Congress by concurrent resolution is that in the veto message of the President, sent to Congress on January 24 last, disapproving the deficiency appropriation bill because of the inclusion in that bill of the amendment offered by the Senator from Tennessee [Mr. McKellar], the opinion of the Attorney General, which is cited in the message, calls attention to the fact that the provision contained in the existing law which was enacted by the Congress at the last session giving to the President the power to reorganize the departments of the Government and authorizing one House to disapprove the action of the President was probably unconstitutional. The Attorney General said, as appears from the message of the President, as follows:

The attempt to give to either House of Congress by action which is not legislation power to disapprove administrative acts raises a grave question as to the validity of the entire provision in the act of June 30, 1932, for executive reorganization of governmental functions.

An investigation of the authority cited by the Attorney General in that veto message causes me to conclude that the Attorney General was probably correct in that opinion, and that if the Congress should now enact the bill in the form in which it was reported by the committee, providing for the disapproval by the Congress of the Executive order of the President by concurrent action and not by legislative action—not by law but merely by the action of the two Houses overriding the final action of the Executive—it would be unconstitutional.

I know that the Congress has no desire to pass this bill in a form which would cause the Attorney General to recommend a veto and cause the President, following the judgment of his Attorney General, to veto the bill.

That, Mr. President, is the difference between the bill and the amendment I have offered.

As to the provisions of the bill, I think, judging from the discussion which has taken place in this body within the last few days, that the Senate is of the opinion that there can be no real merger and consolidation of bureaus if we must wait for the Congress to act. I think, as I have said before, that the nearest earthly approach to immortality is a bureau of the Federal Government. We never can abolish a bureau of the Federal Government by act of Congress. Whenever it is attempted, all of the pressure is brought to bear by those interested in the continuation of the particular bureau. In the same way, I am satisfied that if there is an effort to consolidate or merge bureaus we will have the same experience.

I came to the House of Representatives in 1911. I remember then, in my first session of the Congress, learning of the efforts that had been made for years to reorganize the Customs Service; and though the Congress wanted to abolish customs districts and the position of collector of the port at many places where men were drawing large salaries—the salaries in some instances being four or five times as great as the receipts of the office—Congress never could accomplish the reduction in the expenditures of government.

Finally, the Congress authorized the President to reorganize the Customs Service. President Taft brought about that reorganization; not, however, until there came from all over the country men to protest against the change in

the Customs Service which brought about a reduction of salaries of officeholders in this country. The Customs Service was reorganized and has functioned with greater efficiency since that date.

In 1920 a joint commission of the Congress was appointed, and Members now serving in the Senate served upon that commission and worked faithfully upon the preparation of a plan to reorganize the departmental service, only to find, when completed, that it could not be passed by the Congress.

Recently, we know that the Congress authorized President Hoover to proceed with this reorganization. I know that men will say that the order submitted by the President brought about no substantial saving. I have said that. I regret that at the time his Executive order was submitted it did not set forth any savings that would be effected as a result of it. However, the Economy Committee intended to go into the consideration of that measure upon its merits. By reason of the action of the House we were precluded from doing so.

This is no partisan question, because the President of the United States, after submitting his Executive order to the Congress, said this:

Either Congress must keep its hands off now, or they must give to my successor much larger powers of independent action than given to any President if there is ever to be reorganization; and that authority, to be effective, should be free of the limitations in the law passed last year which gives Congress the veto power, prevents the abolition of functions, and prevents the rearrangement of major departments. Otherwise it will, as is now being demonstrated in the present law, again be merely make believe.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Wisconsin?

Mr. BYRNES. Yes.

Mr. LA FOLLETTE. I should like to ask the Senator two questions concerning the amendment. One is with regard to section 402, as to whether or not the Senator interprets that language to include the Federal Trade Commission, the General Accounting Office, and the Interstate Commerce Commission.

Mr. BYRNES. Under the definition of "Executive agencies" it would include all of the commissions and departments of the Government except the executive departments.

Mr. LA FOLLETTE. One other question: I understood the Senator to say, with regard to section 407, that any action by the Congress save by joint resolution would be unconstitutional.

Mr. BYRNES. I stated that that was the opinion expressed by the Attorney General, and that I concurred in that opinion.

Mr. LA FOLLETTE. But of course that, I take it, does not go so far as to justify on the ground of constitutionality the provision contained in section 407 which does not give the Congress any veto at all. It simply gives it the opportunity of advancing the date upon which the order of abolition or consolidation or reorganization shall take effect.

Mr. BYRNES. I will say to the Senator that under the provisions of this bill it is purposely provided that it shall not become effective for 60 days, during which 60 days the Congress is in session, in order that the Congress may act. Without the Congress giving itself the power to disapprove, the Congress has that power; and within the 60 days which must expire the Congress can act, if it sees fit to do so.

That was the purpose of providing that the order should not become effective for 60 days, in order that the Congress might act; and we did not believe, or I did not believe, that it would give or could give any additional power to the Congress to say that Congress could disapprove it, because I know the Senator will agree that Congress could disapprove it without any such provision in this amendment.

Mr. LA FOLLETTE. May I ask the Senator whether he concurs in the position taken by the Attorney General in his opinion?

Mr. BYRNES. I will say to the Senator that I do. I think, however, that the Attorney General, if he was of

that opinion, should have advised the President of it when the bill was passed last year. I think if he was of that opinion, he should have advised the President when the President submitted the Executive order to the House and not have waited until the President was sending a veto message to the Congress on the subject of the income-tax refund, and then, as mere dictum, call attention to it. But, regardless of what he should have done, I concur that his statement of the law is correct; and, because of that, I think it would be exceedingly unwise to include in this bill a provision which undoubtedly would result in his advising the President to the same effect that he has stated in this veto message and bring about the veto of the bill.

Mr. BINGHAM. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Connecticut?

Mr. BYRNES. I do.

Mr. BINGHAM. It is true that the Senator, in his amendment to section 407, has provided that this order shall not go into effect until 60 calendar days after transmission to Congress, unless—now I ask the Senator to observe what he has provided—

Unless Congress shall by law provide for an earlier effective date of such Executive order or orders.

Mr. BYRNES. Yes.

Mr. BINGHAM. In other words, all that the Congress could do is by law to provide that the order shall go into effect a little earlier.

Mr. BYRNES. Oh, no!

Mr. BINGHAM. Congress can not veto it.

Mr. BYRNES. Oh, yes!

Mr. BINGHAM. But the Senator has not said that. He does not say it shall go into effect unless the Congress shall by law provide for something else. All that the Senator provides that the Congress may do by law is to provide for an earlier effective date.

Mr. BYRNES. I do not think the Senator from Connecticut listened to me as I replied to the Senator from Wisconsin. That language is necessary, because the amendment provides that the order shall not go into effect until 60 days, unless the Congress by affirmative action should pass a joint resolution, which must be signed by the President, and which by law would be subsequent action to this, and which would declare that it should go into effect on some other date.

Mr. BINGHAM. Then what the Senator means is that the only way the Congress can undo what the President does during the next two years is to pass a law repealing this law, which the President must sign or the Congress pass over his veto by two-thirds vote.

Mr. BYRNES. Right.

Mr. BINGHAM. Or else provide for an earlier effectiveness.

Mr. BYRNES. Right.

Mr. BINGHAM. In other words, Congress has to go to work and repeal the law.

Mr. BYRNES. Congress has to repeal the law, or—

Mr. BINGHAM. Under the provisions of the amendment, Congress has no veto power on the proposals of the President other than to repeal the original law.

Mr. BYRNES. Yes. Under the decision of the Attorney General, which is correct, the Congress by concurrent action of the two Houses can not veto the final action of the Executive.

Mr. BINGHAM. Mr. President, now that we understand the proposal, I understand perfectly why the Senator has perfected his amendment to make it apply only to the next two years. I think it is a very dangerous power to give to any President, and I hope that the new President will not abuse it; but I can not possibly agree that we are going to say to the new President, whom we all respect and whose administration we hope will be successful, "During the next two years you may try your hand at remaking the United States Government by consolidating everything except departments, by abolishing everything except departments, and

the Congress can not possibly do anything about it except repeal this law."

Mr. President, had I known that was the Senator's amendment, I should have been more decidedly opposed to it; and I do not believe that most Members of the Senate—only 52 of whom answered the last roll call—appreciated what the Senator was trying to do any more than I did, and I hope the Senator will not press for a vote on it this evening.

Mr. BYRNES. Mr. President, the amendment I have offered has been pending for some days, and I am sure the Senator from Connecticut has had opportunity to see it; and my recollection is that I even told him some days ago the reason why section 407 was changed—by reason of the action of the Attorney General in the veto message to which I have referred.

Mr. BINGHAM. Mr. President, I am sorry. It is quite true the Senator spoke to me about it; but even the Senator from Michigan [Mr. VANDENBERG]—who is not in charge of the bill and who has not had to spend 13 hours a day in trying to get this bill through—thought as I did, that there was some provision in it for veto by the Congress, and was surprised when he read the section again to discover that the only power given to the Congress under the section was to make the date of reorganization a little earlier.

Mr. BYRNES. I have told the Senator from Connecticut the fact. It is the fact that this bill can not give to one House or to two Houses the power to veto the action of the Executive under an order provided for in this bill. I think the Senator from Connecticut will agree that the Attorney General was right in saying that one House could not veto the final action of the Executive, and two Houses would have no greater power than one House would have; and we are brought face to face with the question as to whether or not we are ever going to take a step toward the reorganization of the departments of the Government.

If we are to do it, it must be done in this way. If an order is sent to the Congress, it will not become effective for 60 days; during which time, if the Congress sees fit, it can repeal the entire act. It can prevent the carrying into effect of any order that may be filed by the President of the United States. In no other way can the reorganization of the departments of the Government be brought about. If it is sought to do it by giving to the Congress the power—one or two Houses—it would be futile and vain.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Nebraska?

Mr. BYRNES. Yes; I yield to the Senator.

Mr. NORRIS. Has any amendment to the amendment the Senator is discussing now been agreed to?

Mr. BYRNES. Mr. President, under the amendment as read at the desk I added a section, which was in form the amendment offered by the Senator from New York [Mr. COPELAND] providing that the powers granted to the President in section 403 should expire in two years from the date of the approval of the act. Otherwise it is exactly as it appears.

Mr. NORRIS. Mr. President, I was not aware of the pending of this amendment which the Senator is now discussing, a very comprehensive one, which would take out of the bill several pages. It would take out of the bill language where I desired to offer an amendment. I find the same language in the amendment of the Senator, and before it is voted on I want to offer an amendment, unless, during the debate, I am convinced that it will not be the proper thing to do. If the Senator will turn to page 3 of his amendment, line 10, commencing with the word "except," I want to strike out the balance of line 10, and lines 11, 12, and 13. In other words, I want to leave the power of the President without the exception that is stated in the language I want to strike out.

Mr. BYRNES. Mr. President, I will say to the Senator that as to that language it is absolutely essential if there is to be any saving at all effected by the reorganization of the departments of the Government. There is no doubt but

that the mere merger and consolidation which were sought to be effected by the Executive order filed by President Hoover at this time amounted merely to a shuffling about of bureaus, without the abolishment of a single activity, and, therefore, retaining all of the expenditures which have heretofore existed.

Looking over the Executive order, the Senator from Connecticut, I remember, in a very enlightening speech over the radio, called attention to that very fact, that by the mere merging and consolidating of bureaus there was no material saving effected by the order. In all fairness to the President, I must say that, under the powers vested, which involve merely transferring one bureau to another, without the power to abolish any, there could be no substantial saving.

Mr. NORRIS. Mr. President, I do not understand that the Senator is talking about the same provision about which I am speaking.

Mr. BYRNES. Then I misunderstood the Senator.

Mr. NORRIS. What I am seeking to do by this amendment is to enlarge the powers of the President given by the Senator's amendment. I want to strike out the exception. I want to give the President power to combine departments as well as bureaus.

Mr. BYRNES. I did not understand the Senator's amendment. The language to which the Senator refers was inserted by reason of the action of the Committee on Appropriations.

Mr. NORRIS. What is the objection, let me ask the Senator, to my amendment?

Mr. BYRNES. I may say to the Senator that I see no objection, and as originally offered by me the provision did not contain that language.

Mr. NORRIS. Does not the Senator think that one of the great savings which could be effected by a reorganization would be through abolishing some of the departments?

Mr. BYRNES. I agree with the Senator, but the amendment as reported by the committee carries that exception, which was inserted by vote in the committee. That is the explanation of it appearing in the bill, and I carried it into my amendment.

Mr. NORRIS. We are asked to confer, by this act, a very great power upon the President, one which I think is necessary, under the conditions, one I would not vote for under any other conditions. But I do not see any reason why, if we are to confer on the President the power to combine various bureaus, we should not go a step farther and give him the authority to combine departments. Perhaps upon investigation he would not exercise it.

Mr. BYRNES. Mr. President, I so much agree with the Senator that I say that I have confidence that the President of the United States is not going to exercise the authority conferred upon him in this measure in any unwise or dangerous manner. The President of the United States has a responsibility to the people, just as we have.

Mr. NORRIS. After all, no matter what we may think about it, we proceed on the theory that the President is just as much interested in economy as we are, and we are giving him a power that, from the very conditions which confront any legislature, it is practically impossible for us to carry out.

Mr. BYRNES. The Senator and I would agree that all legislative bodies are collectively in favor of economy, and individually in favor of extravagance.

Mr. NORRIS. Yes; that is the way it turns out when we apply it practically.

The PRESIDING OFFICER. Does the Senator offer his amendment now?

Mr. NORRIS. I have not the floor. I was trying to find out, if I could, what possible objection there could be to striking this language out, before I offered the amendment.

Mr. BYRNES. Mr. President, I respond to the Senator that I see no objection, but Senators who are on the committee did object, on the ground that they did not want departments combined, and I do not think I would be misstating their position when I say that they were opposed to the War and Navy Departments being combined, more than

any other two, and did not want to leave the measure in such condition that that power might be exercised. I think it is fair to make that statement.

Mr. NORRIS. Of course, I can see a very plausible objection to any of this legislation. I do not think anybody will doubt that there is some objection to it. We would not be thinking of doing this except in great emergency; at least, I do not think I would.

Mr. BYRNES. I agree with the Senator.

Mr. NORRIS. I personally do not see any reason why we should not give to the President this authority and say to him, "If you, on investigation, think that it can be done, and think it is proper, you may combine departments, as well as bureaus." It is a step farther than the bill goes, but, to my mind, without my being an expert on the subject, it seems to me there might be the greatest of economy.

The PRESIDING OFFICER. The time of the Senator from South Carolina has expired.

Mr. NORRIS. I apologize. I offer the amendment on page 3, line 10, commencing with the word "except," to strike out the balance of line 10 and lines 11, 12, and 13, the language stricken out being the words, "except that the President shall not have authority under this title to abolish or transfer an executive department and/or all the functions thereof."

Mr. BINGHAM. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BINGHAM. Would not that be an amendment in the third degree?

The PRESIDING OFFICER. The amendment offered by the Senator from South Carolina is a substitute, so the amendment of the Senator from Nebraska would be in order. The question is on the amendment offered by the Senator from Nebraska to the amendment of the Senator from South Carolina.

Mr. COUZENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Austin	Costigan	Hayden	Nye
Bailey	Couzens	Hull	Oddie
Bankhead	Cutting	Kean	Pittman
Barkley	Dale	Keyes	Robinson, Ark.
Bingham	Dickinson	La Follette	Schall
Black	Dill	Lewis	Schuyler
Bratton	Fess	McGill	Sheppard
Bulkeley	Frazier	McKellar	Stelwer
Byrnes	George	McNary	Townsend
Capper	Goldsborough	Metcalf	Vandenberg
Clark	Gore	Moses	Wagner
Connally	Hale	Neely	Walcott
Copeland	Hastings	Norris	White

The PRESIDING OFFICER. Fifty-two Senators having answered to their names, there is a quorum present.

The question is on agreeing to the amendment offered by the Senator from Nebraska [Mr. NORRIS] to the amendment in the nature of a substitute offered by the Senator from South Carolina [Mr. BYRNES].

Mr. BINGHAM. Mr. President, the amendment proposed by the Senator from Nebraska was considered in the full Committee on Appropriations when there was a very good attendance.

The Senator from South Carolina moved to insert the word "departments" in the bill, which was debated at length in the committee with a very full attendance, as I said, and on a vote of the committee it was not agreed to. It was pointed out that it gave the President too much power. In fact, there was some question about its constitutionality, but there is no question about it that to do what the Senator from Nebraska wants to do means that the President, if he chose to do so, could combine the Departments of the Army and Navy, he could combine the Department of Commerce and the Department of Labor, or he could combine the Department of Agriculture and the Department of the Interior. He could disrupt the entire Government service.

I know the Senator from Nebraska is not interested in having anything happen to the Department of Agriculture. Personally I am not interested in having anything happen

to the departments concerned with the national defense which will interfere with their efficiency. In accordance with the traditions of my family, which, ever since 1066, has, in certain branches of it, been connected with the national defense of whatever country we belonged to, I believe in having the defense of my country as efficient as possible. When this country went to war, I was all prepared to take my part in it and served all during the war.

Mr. LEWIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Illinois?

Mr. BINGHAM. I yield.

Mr. LEWIS. May I ask the diligent Senator from Connecticut if he feels that consolidation of the War and Navy Departments and of aeronautics under a single head would weaken the defense or lessen the efficiency of the Government?

Mr. BINGHAM. I do, and I base my belief on the study made of this question by the commission presided over by the late distinguished Senator from New Jersey, Mr. Morrow, the so-called President's aircraft board, known as the Morrow board, which considered very carefully the consolidation of the departments, particularly with reference to the question of air power, and came to the conclusion after long study and very thorough investigation that in the first place it would lay upon the shoulders of one man, the secretary of national defense, an even greater burden than to-day lies upon the shoulders of the Secretary of War, which is almost more than any one man can handle.

If the Senator from Illinois, with his long acquaintance with Government departments, will but recollect all the different things the Secretary of War has to do and the important duties he has to perform, he will realize that it is almost impossible to perform those duties effectively, and yet the Senator from Nebraska would add to that man's shoulders the duty of attending to the Navy. That is the first objection, that it is requiring almost superhuman ability on the part of any one person. At the present time the President of the United States himself is Commander in Chief of the Army and Navy, and in time of war is the coordinating force that must take charge.

The second objection found by the Morrow board to this plan was that it would necessitate the setting up of a super-general staff. The General Staff of the Army has its hands quite full at the present time studying problems and putting into effect the best possible preparedness for that branch of the service. The General Board of the Navy has its hands full with naval problems. To set up a minister of national defense would require a supergeneral staff to consolidate and coordinate those matters, and in the opinion of the Morrow board, arrived at unanimously, it would be inadvisable and would cause additional expense and confusion.

It has been my desire to see this country prepared against emergencies in the national defense. I believe it can best be done under the present arrangement by having a separate Secretary of War and a separate Secretary of the Navy, and letting the President himself, as did President Wilson during the World War and as President Lincoln did during the Civil War, coordinate those departments and not attempt to set up a junior president or kind of vice president for the national defense who shall coordinate the various branches of the national defense.

Mr. LEWIS. Mr. President, will the Senator yield further?

Mr. BINGHAM. Certainly.

Mr. LEWIS. I would merely add that I was interested in the Senator's viewpoint. I pray to be forgiven for alluding to myself. I happened to be what is called a colonel of the State guard and I had a small service in both the Spanish-American and the late World Wars, of sufficient consequence to acquaint me with the plans to which the Senator has referred touching the matter of Government service.

I am still of the idea that the country, in the West where I live, feels that a consolidation of the Army, the Navy,

and other branches of defense under a single head would reduce expenditures greatly, and that is the thing uppermost in their minds. I was anxious to have the opinion of the Senator from Connecticut and others interested in the matter of national defense as to whether they thought the consolidation would seriously interfere with preparations for defense, which just now I feel our country should be on the alert to continue.

Mr. BINGHAM. I fear it would. I would not object at all to a consolidation of some of the branches, such as the Ordnance Department and the Quartermaster Department, but I feel very keenly that history points out that we can have a better national defense if there is a certain amount of competition between the two branches of the service. May I call the attention of the distinguished Senator from Illinois to the fact that such a consolidation exists in none of the great powers in the world to-day, with the possible exception of Italy, which is operating under the enlightened leadership of a dictator who combines in his own ability superhuman powers. Italy is the only nation to-day where there is a combination under one head of the powers of national defense on land and on water. In England and France and Germany the same is true, though of course, in Germany there is no great army of defense. But the great nations of the world have learned through the experience of history that the problems of the navy and of the army are so different that they each require a complete organization for their general success and for the efficiency of those services.

Under our Constitution the consolidation takes place by making the President the Commander in Chief. In time of war his orders govern the actions of the Secretary of the Navy and of the Secretary of War. That is all that is necessary.

I believe that it is fallacy to think that by such a combination we can save a great amount of money. I know that has been repeatedly stated, but the Morrow board was unable to find where there would be any serious economy involved except in combining certain departments like the Ordnance Department and the Quartermaster Department which furnish clothing, ammunition, and so forth. Under the provisions of the bill as reported from the Appropriations Committee and under the provisions of the amendment suggested by the Senator from South Carolina that would be possible. It would be entirely possible for the President to combine the purchase of clothing and food for both the Army and the Navy. That might indeed save expenses. But to combine their general staffs and their policies under a secretary of national defense would, I believe, seriously impair the efficiency of our national training.

Mr. NORRIS. Mr. President, we are engaged here in conferring upon the President the power to combine various activities of the Government. In the amendment proposed, giving him this power, an exception is noted, and that is that he shall not have the power to combine departments. I shall not have time within the scope of the 15 minutes allowed me to go into any detail with reference to the arguments that appeal to me in favor of the combination of some of the departments. I would do it if I had the power even though there were no emergency confronting the country.

The Senator from Connecticut has devoted some of his time to a combination of the War and Navy Departments. I think that ought to be done whether we are thinking of the depression or not. It would mean a great saving without any doubt, but I think as a matter of efficiency in time of war those two departments ought to be under one head. I can easily conceive of disagreements between the Secretary of the Navy and the Secretary of War in the handling of the Army and the handling of the Navy. Even in time of war those facilities of the Army and Navy ought to be held in conjunction with each other. One man ought to have control of both of them. It seems to me it is just as unwise as to say that in a battle there shall be two commanders instead of one. The departments ought to be in the hands of one man with authority to control them both. I think it would be a step toward efficiency.

All through those departments there are similar activities. The Senator from Connecticut says those activities can not be combined without combining the departments, but at once we would run into difficulty. The Ordnance Department would supply them with clothing, but should we put that activity under the Navy or under the Army? We would at once get into a dispute between the Army and the Navy on that score. We would not get into that kind of a dispute in bringing about that kind of a combination if there were only one man at the head of both the Army and the Navy.

For fear that I may not conclude before my time expires, I want to reply to the Senator from Connecticut who has referred to other departments. He said that probably I would be opposed to a combination of some of the other departments, and he made special reference to the Department of Agriculture. Other Senators have said that I would not want to combine the Department of Agriculture with some other department. I say that I would. As a matter of efficiency in time of peace, even if we did not have the distressing conditions which now confront us, I would not hesitate to combine the Department of Agriculture with the Department of the Interior. All through those departments are activities which overlap and duplicate.

The Department of the Interior, for instance, has control over the Reclamation Service and the reclamation projects all over the West. Those projects have to do 100 per cent with agriculture, but the Department of Agriculture has not a thing to do with them. Those activities ought to be combined under one department. We would save a great deal of money if that were done. I would combine other bureaus and activities besides that. I think probably there is not time for me to take up the departments one at a time and show where they could be combined in my humble judgment in order to bring about efficiency and save money, but there are probably many places where it could be done. First of all, if I had my way, I would combine the Army and the Navy. I would be thinking only of efficiency. I would be thinking of the time of danger and the time of war when those two great departments ought to be under one head instead of two heads.

I do not know the views of President-elect Roosevelt. He may agree entirely with the Senator from Connecticut [Mr. BINGHAM]. I do know that we will never get the Army and Navy officers to agree to combine. If I had time, with some of the documents which I have here, I think I could point out why. They are too jealous of their prerogatives. Many of those jealousies arise, not from anything having to do with the Army and the Navy directly but from other considerations. Among them is the matter of social activities. Each one wants to stand at the head. They represent, outside of the Department of State, the greatest social activities in our Government. Laugh at it if Senators will, but many times not only in those departments but in others, social duties interfere with the official duties that they owe to their country, and often they bring about inefficiency.

Mr. ODDIE. Mr. President—

Mr. NORRIS. Often they bring about expensive luxuries for which the taxpayers must pay.

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Nevada?

Mr. NORRIS. How much time have I, Mr. President?

The PRESIDENT pro tempore. The Senator has 10 minutes.

Mr. NORRIS. I yield to the Senator, but I do not want the Senator to make a speech in my time. I will be glad to have him make any suggestion or ask any question.

Mr. ODDIE. Then, I will make a statement after the Senator has finished.

Mr. NORRIS. That is better.

Mr. President, it seems to me, therefore, that we ought to strike out the exception. I see no reason, if we want to economize, why here is not the place to take the greatest step toward economy that is provided for in the bill. There is no compulsion about it. Senators say the President under that authority could combine all the departments into one.

Suppose he could; everybody knows he will not do so. The same argument may be made against every other power that is given him in this amendment. If he wanted to, probably he could ruin the country. He could take one bureau after another or branches of the Government service and combine them in such a way as to bring about inefficiency. We must take that risk; but I do not think we are taking any risk in the matter. We are going on the theory that the President of the United States is just as patriotic as we are, that he is just as much interested in economy as we are, and perhaps more so; but we have found our inability to bring about economy; so we have said to the President, "Here, you take up these matters; combine such executive agencies as you see fit; eliminate the useless straw; put an end to overlapping activities of the Government; we are unable to do it on account of the diverse interests we represent here." So we are giving to him a wonderful power, a power that a legislative body never ought to give unless in times like these, when we are in a worse condition than we were during the war, so far as money is concerned, and when we are all united to fight the depression as we fought the war; and, in order to do it, we must give to the Executive, as we must in time of war, almost unlimited authority for a year or two until the necessary combinations and proper eliminations shall have been brought about.

Mr. LEWIS. Mr. President—

Mr. NORRIS. I will yield in just a moment. It seems to me, therefore, that we can not logically refuse to take this step. Do not let us put ourselves in such a position that the President may come back here and truthfully tell us that while we have given him power we have hedged it about with limitations, as I fear we have, so that he will be unable to exercise it. Let him have this additional power. If, in his wisdom, he reaches the conclusion that no departments or bureaus can be combined, that ends it, of course; but I have not any fear, and I do not believe any other Senator has any fear, that if this power were delegated to the incoming President it would be abused in any respect. I yield now to the Senator from Illinois.

Mr. LEWIS. Mr. President, I merely rise to call attention to the fact that if this measure shall be adopted containing the provision now proposed it must receive the signature of the present President of the United States. I remind the able Senator from Nebraska that when I presented a proposal for the consolidation of the Interior and Agricultural Departments, and the matter reached the place where it had to be considered in a general sense, the members of the Cabinet were able to convince the President that it was a dangerous, unwise, and unprofitable thing, and the President opposed it.

Also, I may remind the eminent Senator from Nebraska that the Secretary of War opposed the consolidation of the War and Navy Departments and supported rather the views expressed by the Senator from Connecticut. If a similar view still obtains, it is apparent that, if we adopt this measure and the present distinguished President will not approve it, nothing is to be gained if his attitude is one of opposition to combination.

Mr. NORRIS. If that is true, he will veto it, I suppose.

Mr. LEWIS. Such is my fear.

Mr. NORRIS. We can not take that power away from him, and if he feels he ought to veto it, let him veto it. We can not help it. I am not afraid of a veto. This is something that will not take any power away from the existing President. It will not go into force until he goes out of office, and if he is afraid to trust the President elect with this authority then he ought to veto it. If I were afraid to trust the incoming President with this authority, I would not vote to confer it; I would not vote for any of these consolidations that we want to bring about if I were not willing to trust him. I do not believe there is any question in the mind of anyone that we are running no risk in doing this.

The Senator from Illinois says that we have had this question up before. That is true. After a department has once been created, then if subsequently an effort is made to pass a law to abolish it, or any other department for that

matter, of course the department involved is going to fight; it is going to fight just as when we try to abolish an office they oppose it, and bring to bear all the influence they can from corporations and others to bring about the defeat of legislation of that kind. That is one of the reasons we are unable to accomplish anything.

The President, to some extent, if this provision shall be adopted, will be up against that difficulty. If he says, "I am going to abolish the War and Navy Departments and combine them into one," either the Secretary of War or the Secretary of the Navy must go out of office. Of course, neither Secretary desires that; of course they will oppose it. If the President says, "I am going to combine the Agricultural Department and the Interior Department," both of which perform functions with respect to land and forests and the improvement of agriculture, of course, the heads of those two departments would oppose it if we would leave it to them. If any President should submit to his Cabinet a proposition to abolish one-half the departments, I would not be surprised if he would get an adverse report from all of them. They would not know whose head was coming off, and they would not be in favor of it. But I want to say to them, as I have said to Members of the Senate, that unless we do something along this line we will accomplish nothing. We are not going to get reductions under the amendment that was adopted to-day because it is so circumscribed with provisions that it will be made perhaps impossible for the administrative officers to bring about any reduction.

Mr. President, this country lived for a good many years without any Department of Commerce; it lived for a long while without any Department of Labor. When we started we had but two or three departments. We have been adding them gradually, one at a time, and when this depression came on there was great agitation all over the United States to have another department added—a Department of Education. Some Senators were in favor of it; it had strong backing from students all over the United States, but nobody would propose it now. If the President should, under the authority that would be given him if this amendment should be agreed to, abolish some department, when prosperity again returns if, in the judgment of Congress, that department ought to be reestablished, there is no reason why it should not be reestablished by act of Congress, just as most of the departments have been established from time to time.

So, Mr. President, if we are in earnest about saving money, if we are in earnest about abolishing overlapping that prevails to a large degree in all the departments, if we are going to do a good job of it, there will be some of the departments themselves that we will want to combine and that ought to be combined. Therefore it seems to me that we ought not to have this exception in the bill, but that the President ought to have the authority to do what he would have the power to do if this exception were taken out.

SEVERAL SENATORS. Vote!

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Nebraska [Mr. NORRIS] to the amendment offered by the Senator from South Carolina [Mr. BYRNES].

The amendment to the amendment was rejected.

Mr. COPELAND. Mr. President, I should like to ask the Senator from South Carolina a question. He was good enough to accept the amendment which I offered proposing that the authority granted under this act shall terminate at the end of two years, but I notice he did not make use of the other amendment about the declaration of an emergency.

Mr. BYRNES. Mr. President, the language the Senator has in the amendment he offered was really somewhat similar to the language originally in the bill, and after consideration we determined it would be unwise to include it, thinking that it might endanger the bill.

Mr. COPELAND. Mr. President, the purpose of offering it was to do exactly the contrary. I took advice in this matter, as I frequently do on matters which have to do with grave constitutional questions, from friends of mine in New

York who specialize in that field, and they pointed out to me—and I quote from a letter which I hold in my hand:

To my mind the various activities as to which Congress declares its policy—

Or "standard," as the Senator has it now in his amendment—

in section 401 of the bill are not inherently legislative in character, and the present concern of Congress with such activities represents a broadening of the legislative jurisdiction (some would say an encroachment) at the expense of the executive department.

To direct what shall be done (make laws) is, of course, a legislative function which can not be delegated, but to direct how and by whom a given work is to be performed is a different matter. The powers sought to be conferred on the President would seem to be of the latter kind, and unless the necessary effect of the bill would be other than appears on its face, I should expect the Supreme Court to hold it constitutional, at least in its main scope and purpose.

The provisions of subdivision (c) of section 403—

"To abolish the whole or any part of any executive agency and/or the functions thereof"—

would seem at first blush to raise a difficulty. If that clause means that, in the case of an agency created and charged with certain functions by act of Congress, the President could annihilate both agency and functions, it would amount in substance and effect to giving the President power to repeal a law. However, I should anticipate that the clause, read in the light of the rest of the bill, would be construed by the courts as giving the power to abolish only in connection with a transfer somewhere else. In any event, it would, of course, be possible for the courts to uphold the rest of the bill even if one provision were deemed unconstitutional as involving a delegation of legislative power.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. COPELAND. Certainly.

Mr. NORRIS. I did not get the idea of the Senator's amendment.

Mr. COPELAND. I have proposed two amendments. One provided that the authority hereby granted should expire at the end of two years, which has been accepted. The other was to have section 401 read in this way:

Sec. 401. The Congress hereby declares that a serious emergency exists by reason of the general economic depression; that it is imperative to reduce drastically all governmental expenditures during such emergency; and that such reduction may be accomplished in great measure by proceeding immediately under the provisions of this title.

And then follow on with the language found in section 401.

Mr. NORRIS. The Senator does not change the language?

Mr. COPELAND. No; I do not change the language. I simply insert ahead of section 401 the preamble or declaration of an emergency.

Mr. NORRIS. Is that objected to?

Mr. COPELAND. The Senator from South Carolina said just now he was afraid that it might jeopardize the bill by making it more likely to be declared unconstitutional; but on the contrary, Mr. President, my friends whom I have consulted have said that we should make clear to the court that there is an emergency by making a declaration that an emergency exists. Of course, in the States, where police powers are exercised, that would be done. We went very far in my State in passing rent laws and housing laws by reason of the declaration of an emergency. There is not any question that there exists now a great national emergency. If we were to make the declaration in the bill, it certainly would not weaken the bill. It would not change it in any particular except to make clear that we are adopting these drastic measures because there is an emergency.

Then, likewise, my friends advise that there be a declaration that this act shall expire at the end of two years.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. ROBINSON of Arkansas. Does the Senator's amendment seek to strike out a portion of the pending amendment?

Mr. COPELAND. No; it does not. It proposes to put ahead of the language in section 401 the declaration to which I have referred.

Mr. ROBINSON of Arkansas. The language of the Senator from South Carolina as presented has been prepared with special reference to the constitutionality of the pro-

vision. I myself have given some consideration to that subject and to the language that is employed. I do not see any objection to incorporating the language of the Senator from New York if it does not delete those provisions of the amendment of the Senator from South Carolina which, in my judgment, do bring it within the rule respecting the power of Congress to delegate power.

Mr. NORRIS. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. The Senator from New York has the floor.

Mr. NORRIS. I ask the Senator from New York if he will yield?

Mr. COPELAND. I yield.

Mr. NORRIS. Mr. President, I should like to suggest to both the Senators that if the Senator's amendment does not strike out any of the section, it seems to me it is a very appropriate heading. I can see that it will be an advantage to a court, when it comes to construe this language, if it ever does, to have the objects of it set out. As I understand the Senator's amendment, it seems to me it would add to it; and it ought to be included, it seems to me, if it does not strike out any of the language.

Mr. BYRNES and other Senators addressed the Chair.

The PRESIDENT pro tempore. To whom does the Senator from New York yield?

Mr. COPELAND. The Senator from South Carolina.

Mr. BYRNES. Mr. President, the language which is included in the Senator's amendment as it now stands would be inconsistent with the language which is contained in this amendment. It declares a policy after providing for striking out the language contained in section 401 in this amendment, and substitutes the language that is contained in this amendment.

Mr. COPELAND. No, Mr. President; the Senator is wrong.

The PRESIDENT pro tempore. The Chair does not so understand the amendment.

Mr. COPELAND. The Senator starts at "401." Mine would begin:

The Congress hereby declares that a serious emergency exists * * * accordingly, in order to reduce expenditures and increase efficiency in government—

Then we go on.

Mr. BYRNES. Mr. President, I have no objection to the amendment if it does not strike out section 401.

The PRESIDENT pro tempore. The Chair understands the Senator from South Carolina to accept the amendment proposed by the Senator from New York, and to modify his amendment accordingly. That being the case, the question is upon agreeing to the amendment proposed by the Senator from South Carolina, as modified.

The amendment, as modified, to the committee amendment, was agreed to.

Mr. BINGHAM. Mr. President, I have pending at the desk an amendment which relates to the so-called married women's provision of existing law, moving to strike that out. I ask that it be stated.

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. On page 74, after line 14, it is proposed to insert the following new section:

SEC. —. Section 213 of the legislative appropriation act, fiscal year 1933, is repealed.

Mr. BINGHAM. Mr. President, on account of the lateness of the hour, and on account of the fact that I think everybody understands what the motion means, I shall not make any speech, further than to say that the recommendation of the Civil Service Commission was that the provision in the last economy bill be repealed, since it was contrary to the spirit of the civil service law. I agree with them, and I am moving to carry out their recommendation.

Mr. COUZENS. Mr. President, may I ask the Senator from Connecticut if there are any restrictions on two or three wage earners from the same household?

Mr. BINGHAM. There is in the present law, I believe, a restriction of that kind; but I am not certain.

Mr. COUZENS. I suggest the absence of a quorum, because I am unwilling to vote for a provision that permits two or three wage earners from one household when there are millions walking the streets.

The PRESIDENT pro tempore. The absence of a quorum being suggested, the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Copeland	Hull	Robinson, Ark.
Austin	Costigan	Kean	Schall
Bailey	Couzens	Kendrick	Schuyler
Bankhead	Dickinson	La Follette	Sheppard
Barkley	Dill	Lewis	Steiwer
Bingham	Fess	McGill	Townsend
Black	Frazier	McKellar	Vandenberg
Bratton	Goldsborough	McNary	Wagner
Bulkeley	Gore	Moses	Walcott
Byrnes	Hale	Neely	Walsh, Mass.
Capper	Hatfield	Nye	White
Clark	Hayden	Oddie	
Connally	Hebert	Pittman	

The PRESIDENT pro tempore. Fifty Senators having answered to their names, a quorum is present. The question is on agreeing to the amendment proposed by the Senator from Connecticut to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment as a whole, as amended.

The amendment, as amended, was agreed to.

Mr. ROBINSON of Arkansas. Mr. President, I ask that the letter which I send to the desk be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letter is as follows:

UNITED AIR LINES,
Chicago, February 6, 1933.

Hon. JOSEPH T. ROBINSON,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR ROBINSON: The route certificate covering air mail operation between Chicago and San Francisco which was submitted by the Postmaster General, together with other data on the air mail service, was made in 1930. In it are established the rates of pay which were then current for operation over that line.

The Postmaster General's letter did not disclose the fact that those rates have been substantially reduced since that date. It has occurred to me that you might be interested to know what the rates are at the present. The following tabulation shows the rates now being paid. You will note that they have been substantially decreased since 1930.

	Night	Day
Schedule 5, route 18, Chicago to Salt Lake City..	\$0.785	\$0.635
Schedule 3, route 18, Salt Lake City to Oakland..	.54	.39
Schedule 5, route 18, Salt Lake City to Oakland..	.785	.635
Schedule 3, route 18, Chicago to Salt Lake City..	.545	.395
Schedule 1, route 18, Salt Lake City to Oakland..	.695	.545
Schedule 1, route 18, Chicago to Salt Lake City..	.695	.545

Very sincerely yours,

PAUL HENDERSON, Vice President.

The PRESIDENT pro tempore. The bill is before the Senate and open to further amendment. If there be no further amendment to be proposed, the question is, Shall the amendments be engrossed and the bill be read a third time?

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MINNESOTA SENATORIAL CONTEST

Mr. HEBERT. Mr. President, I desire to call up Senate Resolution 343, which affects the election of a Senator from the State of Minnesota.

The PRESIDENT pro tempore. Being privileged, the resolution is laid before the Senate.

The Chief Clerk read Senate Resolution 343, reported by Mr. HEBERT on January 31, 1933, from the Committee on Privileges and Elections, as follows:

Resolved, That THOMAS D. SCHALL is hereby declared to be a duly elected Senator of the United States from the State of Minnesota for the term of six years, commencing on the 4th day of March, 1931, and is entitled to be seated as such.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

Mr. ROBINSON of Arkansas. Mr. President, it is my information that the resolution was unanimously reported.

Mr. HEBERT. That is true, Mr. President.

Mr. ROBINSON of Arkansas. Very well.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

INTERIOR DEPARTMENT APPROPRIATIONS

Mr. HALE. Mr. President, I move that the Senate proceed to the consideration of H. R. 13710, the Interior Department appropriation bill.

The PRESIDENT pro tempore. The question is on agreeing to the motion proposed by the Senator from Maine.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 13710) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1934, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. GORE submitted an amendment intended to be proposed by him to House bill 13710, the Interior Department appropriation bill, which was ordered to lie on the table and to be printed, as follows:

On page 13, line 20, under the heading "Expenses in probate matters," after the figures "\$30,000," to strike out the proviso down to and including line 24, as follows:

"Provided, That no part of this appropriation shall be available for the payment of attorneys or other employees unless appointed after a competitive examination by the Civil Service Commission and from an eligible list furnished by such commission."

RECESS

Mr. HALE. I move that the Senate now take a recess until 12 o'clock noon to-morrow.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Maine.

The motion was agreed to; and (at 9 o'clock and 41 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, February 8, 1933, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

TUESDAY, FEBRUARY 7, 1933

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who feedest the sparrows, arrayest the lilies in their splendor, and makest the sun to shine upon the evil and the good, hear our petition; cleanse our hearts; purge our vision, and make us see all things in Thy light. Let us confidently cling to Thy truth, for nothing else is real. Thou who are the God of fatherless, the God of the widow, and the God of the oppressed, be merciful unto them. In the midst of righteousness and unrighteousness, between good and evil, show us the path of life and make for us places of character and wisdom. O lead us in the solution of all problems and the questions which are so pressing. The blessed Lord be with our people, and Thy will be done. Amen.

The Journals of Saturday, February 4, and Monday, February 6, were read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S. J. Res. 248. Joint resolution to amend the joint resolution entitled "Joint resolution to authorize the merger of street-railway corporations operating in the District of Columbia, and for other purposes," approved January 14, 1933.

INAUGURAL CEREMONIES

Mrs. NORTON. Mr. Speaker, I ask unanimous consent for the present consideration of House Joint Resolution 565, to provide for the maintenance of public order and the protection of life and property in connection with the presidential inaugural ceremonies in 1933.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the joint resolution, as follows:

House Joint Resolution 565

Resolved, etc., That \$25,000, or so much thereof as may be necessary, payable in like manner as other appropriations for the expenses of the District of Columbia, is hereby authorized to be appropriated to enable the Commissioners of the District of Columbia to maintain public order and protect life and property in said District from February 28 to March 10, 1933, both inclusive, including the employment of personal services, payment of allowances, traveling expenses, hire of means of transportation, cost of removing and relocating street-car loading platforms, for the construction, rent, maintenance, and expenses incident to the operation of temporary public comfort stations, first-aid stations, and information booths, during the period aforesaid, and other incidental expenses in the discretion of the commissioners. Said commissioners are hereby authorized and directed to make all reasonable regulations necessary to secure such preservation of public order and protection of life and property, and to make special regulations respecting the standing, movements, and operating of vehicles of whatever character or kind during said period; and to grant under such conditions as they may impose, special licenses to peddlers and vendors to sell goods, wares, and merchandise on the streets, avenues, and sidewalks in the District of Columbia, and to charge for such privilege such fees as they may deem proper.

SEC. 2. Such regulations and licenses shall be in force one week prior to said inauguration, during said inauguration, and one week subsequent thereto, and shall be published in one or more of the daily newspapers published in the District of Columbia, and in such other manner as the commissioners may deem best to acquaint the public with the same; and no penalty prescribed for the violation of any of such regulations shall be enforced until five days after such publication. Any person violating any of such regulations shall be liable for each such offense to a fine of not to exceed \$100 in the police court of said District, and in default of payment thereof to imprisonment in the workhouse of said District for not longer than 60 days.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. SNELL. Reserving the right to object, I understand this resolution takes money out of the District of Columbia fund at the request of the Commissioners of the District, and that it is exactly the same resolution as has been passed in previous years for inaugural ceremonies.

Mrs. NORTON. That is true. It provides funds through the District of Columbia Committee in exactly the same manner as has heretofore been provided.

Mr. BLANTON. Reserving the right to object, as a matter of fact, the way the resolution is written it does not take it out of the District funds. The inaugural week here causes an extra amount of police work and additional work for firemen. I want to ask the lady from New Jersey whether or not she has investigated to find out whether this sum is absolutely necessary at this time.

Mrs. NORTON. I may say that it is absolutely necessary.

Mr. BLANTON. And to appropriate less might be dangerous to the peace and good order of the community?

Mrs. NORTON. Yes.

Mr. UNDERHILL. Reserving the right to object, what is going to become of the money received for concessions and licenses? Is that going to be returned to the Treasury?

Mrs. NORTON. I understand anything that is left over will be returned to the treasury—not the Treasury of the United States but the poor fund of the District.

Mr. LaGUARDIA. Let me ask the lady a question. Is not the existing law with reference to peddlers sufficient? Why should any special authority be given to the commissioners to grant license to peddle or vend goods on the streets or sidewalks? Does not that require more police than otherwise would be required?

Mrs. NORTON. My understanding is that the form of the resolution does not take in any more concessions than we have had heretofore.

Mr. CHINDBLOM. This would only provide for a temporary license and obviate the necessity of giving annual